

Pent-up demands becomes driving force this session, after numerous bills rejected in the past eight years become law —————

————— ***Chamber's advocacy efforts prove successful in the face of challenging policy negotiations***

by Dana Connors, Peter Gore, and the Maine State Chamber's Advocacy Team



In discussions around the Statehouse among business representatives on grading the outcomes of the First Regular Session of the 129th Legislature, one phrase keeps coming up: “It could have been worse.” And we at the Chamber, have used similar phraseology when recounting the session results.

It is a fact, that some of the more egregious proposals impacting the employer community were at least mitigated in some manner, thanks in many ways to the work done here by the Maine State Chamber’s Advocacy team. However, it is also true that a significant number of bills were passed that were not

bills the business community wanted or supported. And some of those may hold the prospect of adding to the cost of doing business, either directly or indirectly. In other words, they may complicate doing business in this state – particularly for small businesses – and impact our economic attractiveness.

The fact is, the pent-up demands from the majority party, after eight years of being shut out from enactment of their major policy agenda items, resulted in legislative changes not seen for decades, in some cases. However, much of the more hardline proposals failed to gain traction, either because of Governor Janet

Mills or the legislature itself.

While there is some truth to the opinion that, this session, the passage of legislation to lower the cost of doing business in Maine is hard to come by, it is also true that when it came to the very major policy decisions under consideration during the past five and a half months, Democrats and Republicans seemed to take the concerns of employers seriously and worked to mitigate the worst in most bills.

So, for instance, despite significant concerns from the small business community regarding rising wage and hour costs (see page 9) associated with a \$4.50 an

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Chairman of the Board of Directors:
Larry Wold, TD Bank
President: Dana F. Connors

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About the Maine State Chamber of Commerce: Since 1889, the Maine State Chamber has been fighting to lower your cost of doing business. Through our Grassroots Action Network and OneVoice program, we work with a network of approximately 5,000 companies statewide who see the value in such a service and provide the financial support that keeps our access, advocacy, and assistance efforts going strong. As Maine's Chamber, we make sure that the business environment of the state continues to thrive. The Maine State Chamber of Commerce advocates on behalf of their interests before the legislature and regulatory agencies and through conferences, seminars, and affiliated programs.

A message from our board chair...

**“Thank you
for your participation
in this legislative
session...”**

*by Larry Wold, TD Bank
Board Chair, Maine State Chamber*



As we wind up this legislative session, there are three groups of people I want to thank for making this session as successful as it was. As chamber members, the first group we all should thank is Dana, the Advocacy team, and the entire Chamber staff. These folks worked tirelessly and effectively in a collaborative and cooperative way to protect Maine’s employer community. We know there are those who advocate for a more adversarial approach, and there are times when that is the right course of action, but we feel the approach we took this session was one of the major reasons the Chamber was as successful as it was. Let me assure you that your Chamber dues are a bargain compared to the value you receive.

In addition, I have to thank the other Officers of the Chamber’s Board - First Vice Chair, Clif Greim of Harriman Associates; Second Vice Chair, LuAnn Ballesteros of The Jackson Laboratory; and, Treasurer, Chris Condon of United Insurance. These are busy, accomplished people who consistently make themselves available to help shape our positions and strategies and to support the efforts of the Maine State Chamber.

Lastly, a thank you to all our Board members and Chamber members who have supported our efforts this past session with phone calls and letters to their legislators and testimony before committees. These efforts support our Advocacy team and supplement their work in a way that nothing else can. This session proved to me that no employer could possibly stay on top of all the business-related issues that come before the Legislature and no amount of lobbying can be as effective as a combination of lobbying and direct testimony from Mainers impacted by proposed legislation. So, a huge thank you to all of you.

Now, let’s catch our breath and get ready to go back to work helping Maine’s employer community prosper. □

Changes to Maine's comp law were inevitable —

— The opportunity to make changes couldn't be passed up

As a public policy issue, workers' compensation has long been a flashpoint in the Maine Legislature. The fact that Maine State Government shut down for 17 days back in 1991 over the passage of reforms to the comp system clearly illustrates that point. And the passage of even more comprehensive "Blue Ribbon" reforms in 1992 – legislation that essentially has served as our workers compensation act since that time – enraged many members of organized labor and the plaintiff bar. In their minds, the reforms went too far, placing a thumb on the employer side of the scale of justice.

The Maine State Legislature has revisited the workers' comp debate a number of times since 1992 – certainly in the early years of its enactment, through 1997, then again most notably in 2002 and 2012, when some clarifications and some changes were made to the Act. In both cases, the debate did not center on the issues before the legislature itself, but instead on a referendum on the reforms passed in 1992 – their inherent unfairness in the eyes of Labor. So when the political balance of power shifted in the 2018 elections and Democrats established strong majorities in both the Maine House and Senate, as well as capturing the Governor's office, the question of whether there would be changes to the comp act was not "if there would be changes" but "what and how many changes would take place."

The Maine State Chamber and the rest of the business community began to get a feel for the breadth of the coming debate when the list of prospective bill titles came out in early January. While not necessarily comprehensive or complete, that list showed possible 27 titles, touching nearly every aspect of the Workers' Comp Act. They confirmed every fear Maine business had about the coming session and the implication for Maine workplace.

The Joint Standing Committee on Labor and Housing was tasked with hearing each of the bills and making legislative recommendations for any changes. Despite the contentious nature of the issues, the committee chairs – Sen. Shenna Bellows (D-Kennebec) and Rep. Mike Sylvester

(D-Portland) – maintained a fair and respectful environment for both businesses and labor to make their points throughout the numerous days of public hearings.

Just prior to the start of the session, a member of the Maine State Chamber's advocacy team was contacted by a representative of labor, in an attempt to gauge our interest in finding some level of compromise that would provide injured workers with some incremental benefit increases, while not dramatically increasing comp premiums. Given the stilted numbers in both legislative bodies, it was clear some changes were forthcoming to the comp act. At stake was mitigating those changes in a manner that made them manageable, both in terms of implementation and cost containment.

The decision to negotiate in private was not an easy one – for either side. Clearly Governor Mills was not looking to undo the reforms that had rehabilitated the reputation of our state's comp system and its costs. However, equally clearly, a package of comp changes would land on her desk at some point this session. From the Maine State Chamber's perspective, whatever package was destined to become law had to minimize cost increases. It could not return to pre-1992 law, had to preserve any caps on benefits, and could not contain retroactivity provisions. With these things in mind, the Maine State Chamber joined with a commercial comp insurance representative, a representative of the self-insured community, and a labor representative to try and reach a compromise package based on the myriad of comp bills submitted and heard in the Labor and Housing committee.

And, after numerous difficult negotiating sessions, we were able to reach a compromise, which was presented to the Governor and Labor committee chairs, who passed it on to their respective leadership. The response was less than enthusiastic. Some Democrats thought there weren't enough benefit increases – not nearly enough. Some Republicans thought any change to the Act should be resisted and fought against to the end –

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Legislature passes biennial budget without raising new taxes

On June 17, 2019, the legislature finalized the biennial budget – **LD 1001**, Public Law chapter 343, *An Act to Make Unified Appropriations and Allocations for Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020, and June 30, 2021*. The emergency measure was a Governor's bill sponsored by Rep. Drew Gattine (D-Westbrook).

To the legislature's credit, the biennial budget bill for fiscal years 2020-2021 was passed by a bipartisan majority and did not raise any new taxes. The nearly \$7.98 billion budget contained more money for education and for municipalities, and also begins the process for raising the minimum salaries for teachers statewide.

The baseline budget for FY 2020 includes \$3,720,050,930 in general fund appropriations and \$192,995,525 additional spending in other initiatives. The baseline budget for FY 2021 includes \$3,742,891,376 in general fund appropriations and \$331,162,876 in additional spending for other initiatives.

The budget contains increases for municipal revenue sharing from the current 2.5% to 3% in FY 2020 and 3.75% in FY 2021. The current level of municipal revenue sharing that municipalities receive is \$71 million. The legislature increased that to \$89 million for FY 2020 and to \$116 million for FY 2021. The legislature also voted to put \$48 million more in education funding.

The bonds are still on the table. Governor Janet Mills could call the legislature back in August to deal with the bonds, but that remains to be seen. If you have any questions, please contact Linda Caprara by calling (207) 623-4568, ext. 106, or by emailing lcaprara@mainechamber.org. □

Session Overview...

(Continued from Page 1...)

hour increase in the minimum wage over just four years, the Legislature rejected proposals that might have helped some of those small businesses weather the storm – maybe even survive. The Legislature did, however, approve a bill that will require employers with more than 10 employees to provide up to 40 hours of paid time off (PTO) for full- and part-time workers. To be fair, thanks to Governor Janet Mills, the final bill that was approved with bipartisan support is a far more reasonable and manageable law than first proposed, and light-years better than the proposal that was pending submission to the Secretary of State as a referendum question by the Maine People’s Alliance for consideration at the ballot box in the fall. The Maine State Chamber worked with Republicans, Democrats and Governor Mills to craft a better law, and we think it is. It also represents a new cost of doing business, that in reality, many employers oppose philosophically as too expensive.

It was the same outcome on other equally important issues – like workers’ compensation (see page 3). With more than 25 bills submitted, the threat to the workers’ compensation reforms of 1992 was very real. Once more the Maine State Chamber worked with representatives of organized labor to try and find some middle ground. We did develop a less damaging compromise package. It was clear some changes to the 27-year-old reforms were going to take place, our objective was to mitigate the damage. In the end, Governor Mills, working with Republicans and Democrats, used 90% of the compromise framework we helped to negotiate, to develop a smaller comp change package that passed unanimously in both the House and Senate. That neither side was happy with the new law is a reflection that the legislature probably got it right. But once again, it needs to be recognized that while the new law it is far better than where we thought we might end up, the business community started from the standpoint that no changes were necessary to a comp reform law that had served the state so well these past 27 years. So any changes, even those even-



On Monday, February 11, Governor Janet T. Mills delivered her first State of the Budget Address to the joint legislative convention.

tually agreed to, were unnecessary in the eyes of many – because they added costs.

It wasn’t just the labor-related areas that saw extensive legislative action. There were bills to tax water extraction (see page 16), to increase the estate tax (see page 9), and to add local option taxes to food and lodging (see page 5), to name a few. Not all these issues passed, and some remain on the table for discussion next year.

The legislature did enact groundbreaking first of its kind laws on internet privacy and utility regulation. It banned single use plastic bags and Styrofoam containers (see page 16), joining only a handful of states to do so. Again, while the business community helped to negotiate these proposals, many businesses remained opposed to having to accept these new laws in the first place.

Considered a win this session, the legislature dealt with a policy issue that has been talked about for years, the “welfare cliff” (see page 7). With bipartisan support, Speaker Sarah Gideon (D-Freeport) and Assistant House Minority Leader Representative Trey Stewart (R-Presque Isle) presented a package of two bills known as the LIFT (leveraging investments so families can thrive) and STEP (Secure transition to economic prosperity for Maine families and children) bills that address strengthening Maine’s workforce, moving Maine children and families out of poverty and lessen the impact of the so-called “welfare cliff.” The LIFT and STEP bills passed both the House and the Senate unanimously. The collaboration

and bipartisanship demonstrate that poverty is not a partisan issue, and it’s something we all care about.

Perhaps no session wrap-up story in recent memory is as difficult to characterize as the one dealing with the First Regular Session of the 129th Legislature. Comprised of strong democratic majorities in both the House and Senate and with a Democrat Governor, many individual legislators were looking to make up for lost time – meaning the past eight years of the LePage administration. In many policy areas, they did so – and equally challenging bills await their return in 2020.

It is fair to call this session a challenging one for Maine businesses. It felt at times, that the business community was under siege given the sheer volume and breadth of some of the proposals under consideration. It is also fair to say that Governor Mills and others in the statehouse – both Republicans and Democrats – helped lessen the impact on several the most disconcerting bills that passed into law. It is also fair to say that even those mitigated laws are likely to be laws employers will now struggle to implement and absorb as a new cost of doing business. How the next session unfolds, given that it is an election year, should be interesting.

This issue of *Impact* outlines the many different and complex issues referred to in this story. We hope you find it both helpful and informative. If you have questions, please contact a member of our advocacy team here by calling (207) 623-4568. □

Two local option tax bills carried over after issue gets divisive between legislative bodies

Local option tax bill rejected by Senate, passed in House

One of the more divisive tax issues this session dealt with giving cities and towns the authority to impose local option sales taxes at the municipal level. The Joint Standing Committee on Taxation discussed a total of five bills this session. Two of those bills will be carried over to next session.

The committee voted to carry-over the first bill – **LD 609**, *An Act to Provide Municipalities Additional Sales Tax Revenue from Lodging Sales*, sponsored by Rep. Maureen Terry (D-Gorham) – without sending it to the floor for debate. The bill would increase the lodging tax by one percent, and incremental revenues generated, minus administrative costs for Maine Revenue Services, would be returned to the generating municipality.

The second bill – **LD 1254**, *An Act to Authorize a Local Option Sales Tax on Meals and Lodging and Provide Funding to Treat Opioid Use Disorder*, sponsored by Rep. Michael Sylvester (D-Portland) – made it to the floor for debate. The bill remained a political football between the House and Senate.

As originally drafted, LD 1254, would have allowed a municipality to impose a year-round or seasonal local option sales tax, if approved by referendum, of no more than one percent on prepared food and short-term lodging. A total of 85% of revenue generated would have been distributed back to the generating municipality, and 15% would have been distributed to all other municipalities around the state. The money would have to be used for preventing and treating opioid use. The original proposal was heading towards a 7-6 “ought-not-to-pass” report in committee with chair Rep. Ryan Tipping (D-Orono) and Rep. Stephen Stanley (D-Medway) voting with the Republicans. However, in a last-ditch effort to make the bill more politically

palatable, Rep. Michael Sylvester (D-Portland) came in with an amendment that changed the distribution formula to 75% back to the generating municipality and 25% to the Maine Rural Development Fund. That change ended up securing Rep. Stanley’s committee vote, and ultimately, LD 1254 received a 7-6 “ought-to-pass-as-amended” committee report, with Rep. Tipping siding with the Republicans and one Independent, Rep. Donald Marean of Hollis.

On its first pass, the Maine House of Representatives voted 73-70 in support of the amended version of LD 1254. Two days later, the Senate voted 14-21 *against* the majority “ought-to-pass” report coming from the Joint Standing Committee on Taxation on LD 1254. Since the bill failed in the Senate, it was headed back to the House in non-concurrence. The House voted to amend the bill, stripping off the meals provision from local option taxes and returned it to the Senate. The proponents figured out they did not have the votes in the Senate to pass it, so it was returned to the Taxation committee.

Earlier this session, the Taxation committee unanimously defeated the other three bills:

- ♦ **LD 65**, *An Act to Allow Municipalities to Impose a Seasonal or Year-Round Local Option Sales Tax*, sponsored by Rep. Pinny Beebe-Center (D-Rockland), which would have allowed a municipality to impose a local option sales tax if approved by referendum on a seasonal or year-round basis with no limit on the rate that could be imposed;
- ♦ **LD 156**, *An Act to Allow Regional Service Center Municipalities to Assess an Additional One Percent Tax for Infrastructure Costs*, sponsored by Sen. David Miramant (D-Knox),

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Bill to increase corporate income tax carried over

The bill would reverse efforts to decrease Maine’s tax rates

LD 903, *An Act to Improve Corporate Tax Fairness by Amending the Rates Imposed on Corporate Income*, sponsored by Rep. Scott Cuddy (D-Winterport) has been carried over to next session. The bill seeks to establish two new tax brackets and three new rates for corporate income taxes. Under LD 903, corporate income between \$2 million and \$3 million would be taxed at 8.5%, and income between \$3 million and \$3.5 million would be taxed at 8.75%. Currently, any corporate income below \$3.5 million is taxed at 8.33%. In addition, the bill proposes to raise the top rate to 9% from 8.93%, making Maine one of only seven states in the nation to have corporate income tax rates at 9% or above. According to the Tax Foundation, Maine’s current top corporate income tax is already higher than the top rate in the neighboring New England states of CT, NH, VT, RI, and MA.

In March, the Maine State Chamber testified in opposition to the bill, which would reverse tax reform efforts that former Maine Legislatures had enacted to make Maine more competitive and attractive for investment. During the past several years, the legislature has taken several steps to decrease the overall top income tax rates for individuals and corporations alike. The proposed increased rates in this bill will very likely hit small businesses, as well as C-corps, which are often how small businesses operate.

High corporate income tax rates would no doubt make Maine less attractive, less competitive, and could impact future investments. Paying higher taxes can impact the amount the business owner chooses to reinvest in their businesses in terms of capital and personnel, and as a result, failure to reinvest can have a direct impact on growing the economy and job creation. If you have any questions, please contact Linda Caprara by calling (207) 623-4568, ext. 106, or by emailing lcaprara@mainechamber.org. □

Workers' Compensation... (Continued from Page 3...)

even if that meant another shutdown. Other folks from both sides of the issue became involved in the negotiations, including Governor Mills directly.

In the end, Republicans, with the help of some interested business associations, worked out a deal with Democrats. The final product contained 95% of the compromise the Chamber and others developed with a few exceptions. From a benefit perspective, it allowed a slightly higher maximum benefit rate. It also contained several "systemic changes" important to get Republican support. Ultimately, the package that was approved unanimously by the committee looked like this:

- ♦ A cost of living adjustment (COLA) on total benefits only after five years;
- ♦ A higher maximum compensation rate of 125% of the state average weekly wage;
- ♦ An extension of the durational cap from 10 years to 12 years for those injured workers receiving benefits for partial incapacity (PI), but with the complete elimination of long-term, PI-related benefits thereafter;
- ♦ Death benefits for parents of an employee who dies without statutory dependents (with no retroactivity except for a *transfer* of funds paid this year to the vocational rehabilitation fund to the parents);
- ♦ Attorneys' fees capped at 10% for lump sum settlements;
- ♦ Notice increased to 60 days;
- ♦ Changes to the statutory "14-day rule," which include an exception for mistake of fact, Act of God, or unavoidable circumstance, and a 45-day period in which benefits can be paid without prejudice and terminated without filing a 21-day letter, and allowing *only* the statutory penalty for failure to pay within 14 days (not the "14-day rule" in the Rules);
- ♦ An offset for paid time off, with limited exceptions;
- ♦ Requirement of a WCB super-majority vote for appointment of new Administrative Law Judges (ALJs) with current ALJs grand-fathered in;
- ♦ Consideration of rulemaking to better establish timeframes for filing petitions after mediation; and,



Throughout the session, we encourage our members to testify or contact the legislators regarding issues that impact their business and employees. On Monday, February 25, Ed Hodgdon of Funtown Splashtown USA, Inc. testified before the Joint Standing Committee on Labor and Housing.

- ♦ Study groups on work search / vocational rehabilitation, uninsured workers, and the advocates' pay.

Once agreed to by leadership, the governor, and both parties, the bills sailed through both bodies and was enacted "under the hammer" or unanimously, without any roll calls, and was equally quickly signed into law by Governor Janet Mills.

So, what do the changes to the law mean to the business community? First, there are likely to be *cost increases* associated with these *benefit increases*. The exact percentage increase is unknown. However, we believe it is fair to say any additional costs are likely to be relatively minor and manageable. However, controlling costs are only part of the equation. One part of our original negotiations, that were maintained as the final legislative package was adopted, was that if we agreed to changes this session, there would be no further major comp legislation through the remainder of Governor Mills' term in office, be that 4 or 8 years. The Governor agreed to this, telling all the interested parties that unless there was *consensus* in the Statehouse on future comp legislation, that she would not support any additional changes.

That, in our opinion, is a huge positive outcome for Maine businesses. It helps preserve the core sanctity of the 1992 reforms that have worked so well,

and it tells the rest of the country our comp system will remain stable, therefore not impacting our business attractiveness, at least in this policy area.

So, coming full circle, it was clear that changes to the comp statute were forthcoming, and that benefits (costs) would be added into the system this session. This was obviously not a policy direction supported by the business community. And, while the outcome could have been so much worse, a compromise package was ultimately enacted into law that, while adding benefits, does so in a manageable way. Will costs dramatically rise? We don't think so, but as with any comp legislation, only time will tell. Do accepting these 2019 changes make having the security of avoiding further changes to the act, unless approved by Governor Mills pledge of consensus, worth the tradeoff? We think the answer is yes.

The Maine State Chamber would like to thank both the Democrat and Republican members on the Joint Standing Committee on Labor and Housing. They did the yeoman's work on this issue, listening to hours and hours of testimony on this single policy issue from businesses and labor interests, all the while maintaining a respectful and interested demeanor.

For additional information or questions, please contact Peter Gore by calling (207) 623-4568, ext. 107, or by emailing pgore@mainechamber.org. □

Invest in Tomorrow package becomes law

LIFT/STEP proposals move Maine children and families out of poverty, strengthen Maine's workforce, and lessen impact of "welfare cliff"

The Maine State Chamber of Commerce is a member of the Invest in Tomorrow Initiative. Invest in Tomorrow is an initiative to address Maine's child poverty problem by employing strategies to ensure every Maine child has a fair shot at a bright future. The coalition is driven by a broad, cross-sector group of organizations and individuals and is endorsing LIFT (leveraging investments so families can thrive) and STEP (secure transition to economic prosperity for Maine families and children) bills because they will make meaningful progress toward these shared goals. The Invest in Tomorrow 2018 report included data and input from nearly 200 organizations and individuals statewide. It highlighted the fact that a shocking proportion of Maine children – nearly one in eight – is growing up poor. The report laid out a roadmap for cutting child poverty in half during the next 10 years – and eliminating it in a generation – by addressing basic needs like housing, health care, and food, while providing economic opportunities through education and training and easing benefit "cliff" effects. These strategic changes are reflected in both LIFT and STEP.

The Maine State Chamber supports policies and regulations that spur the investment in and help grow our economy. Right now, employers in health care, construction, finance, manufacturing, and other sectors report difficulty in finding workers with the right skills. The Maine State Chamber testified in support of a pair of bipartisan bills that are aimed to move Maine children and families out of poverty, strengthen Maine's workforce, and lessen the impact of the so-called "welfare cliff." The term "welfare cliff" refers to the total loss of benefits that can occur when someone achieves even a relatively low level of income. Supporters of the bills say losing benefits because of a relatively minor increase in income is a

disincentive for people seeking a higher-paying job or to gain skills that allow them to earn more.

Both bills are now law, passing with unanimous votes in both the House and the Senate. Called the Invest in Tomorrow package, the bills are aimed at keeping families that are transitioning from welfare to work from losing health, financial and education benefits until they are earning enough to fully support themselves.

One of the measures raises the income limits for Temporary Assistance to Needy Families (TANF), while the other allows those enrolled in state-funded education and job-training programs to gradually earn more money before losing all assistance. The bills were sponsored by House Speaker Sara Gideon (D-Freeport) and Assistant House Minority Leader Trey Stewart (R-Presque Isle).

These laws will help Maine employers by increasing the workforce and equipping workers with more skills. These laws will help Maine families and young children succeed and be making an investment in the future of our workforce. The two laws will be funded with \$11 million per year from federal block grants.

Under current state requirements, many low-income families are not getting the support they need. The new laws will do the following:

- ♦ Improve access to the Parents as Scholars (PaS) program by allowing schools to enroll low-income parents so they can get a degree or industry-recognized credential, providing a pathway out of poverty and helping to address Maine's workforce shortage;
- ♦ Eliminate the "gross income test" in TANF, which prevents families struggling with poverty from accessing temporary assistance. Right now,

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Creating an easier pathway for skilled, credentialed immigrants to enter Maine's workforce is a small change that could make the world of difference

The Maine State Chamber of Commerce supported **LD 1685, *An Act To Facilitate Entry of Immigrants into the Workforce***, sponsored by Rep. Kristen Cloutier (D-Lewistona). LD 1685, now Public Law, Chapter 447, continues the conversation to create an easier pathway for skilled, credentialed immigrants to enter Maine's workforce and makes a small change that could make the world of difference.

The law establishes and provides funding for the Foreign Credentialing and Skills Recognition Revolving Loan Program to be administered by the Finance Authority of Maine (FAME). Under the program, FAME is able to provide interest-free loans to foreign-educated or foreign-trained, experienced immigrants who need assistance while awaiting federal employment authorization to pay the costs of certain actions and activities that will improve their work-readiness once they receive their work permits.

As a member of the MaineSpark coalition, the Maine State Chamber supports Maine's goal that by the year 2025, 60% of adults in Maine's workforce will hold a postsecondary degree or credential of value in demand by Maine employers.

Today, Maine is home to roughly 49,000 immigrants. For many business owners, immigrant workers have been a vital reason why their businesses have been able to thrive in recent years,

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Important Dates for Next Session

September 27, 2019:

Filing Deadline
for Emergency Bills to be
Considered in Second Session

October 24, 2019:

Legislative Council Meeting to
Consider Bill Requests

October 30, 2019:

Deadline for Filing Appeals

January 8, 2020:

Legislature Convenes
for Second Session

The Governor may submit legislation at any time, including a supplemental budget which will only require a majority if it is enacted before early April 2020. It is likely that the Administration's development of a supplemental budget will begin later this summer/fall in preparation for presentation to the Legislature early in the Second Session. □

Skills and Credentials... (Continued from Page 7...)

despite the rapidly aging native-born population. For a state facing an enormous workforce shortage, we must create easier pathways for skilled, credentialed immigrants to enter our workforce.

Maine's workforce shortage continues to be a topic of conversation among businesses, legislators, and all Maine people. Across all sectors and regions, Maine will need approximately 158,000 more workers by 2025 than exist here today.

Maine must make it easier for immigrants with advanced educations and skillsets to enter our workforce. It would be a shame if Maine continued to ignore these employment barriers and for the expertise that brought these skilled workers to Maine to go to waste. Many highly skilled, college educated immigrants often encounter a series of obstacles when

they try to find jobs in the career for which they hold credentials. This often leads to these people settling for lower-skill and lower-pay positions because they are unable to make full use of their academic and professional credentials.

As education-attainment levels rise in the modern economy, there is an increasing employer emphasis on the need for well-trained and well-educated employees. For job-seeking immigrants with academic credentials Public Law, Chapter 447, could make a real difference on the quality of job and life they are able to have here.

Policies designed to improve the recognition and transferability of foreign credentials are imperative to better integrating skilled immigrants into our workforce and to assist in closing the gaps in Maine's workforce shortage. For more information, please contact Megan Sanborn by calling (207) 623-4568, ext. 108, or by emailing msanborn@mainechamber.org. □

Local Option Sales Tax... (Continued from Page 5...)

which would have allowed municipalities to impose a local option sales tax of no more than 1% if approved by referendum for the purpose of funding infrastructure costs; and,

- ♦ **LD 1110, *An Act to Establish a Local Option for Sales Tax***, sponsored Rep. Lori Gramlich (D-Old Orchard), which would have allowed a municipality to impose a local option sales tax, if approved by referendum, on items that were subject to the sales tax, such as retail transactions, prepared foods, liquor, hotel rentals, and certain rentals of automobiles.

The Maine State Chamber has long-opposed local option sales taxes for a variety of reasons, including the following reasons cited from the testimony on these bills:

- ♦ **Enacting a local option sales tax**

increases the total tax burden in the state: This bill would have added another layer of sales tax to items purchased in municipalities that enact it. Local option taxes are another way to raise revenue for municipalities and would not ensure taxes would later be reduced at the local level.

- ♦ **Local option sales taxes hurt small brick and mortar businesses:** Many citizens buy local to support their neighbors – owners of small brick-and-mortar businesses in their municipalities. Local businesses located in one locale compete with local businesses in another. Businesses located in towns that enact a local option sales tax will be at a competitive disadvantage with businesses in municipalities that do not enact a local option sales tax. This will pit one community against another. ***Local brick-and-mortar retail businesses will never be able to compete in that high-taxed environment.*** The tax will hit their bot-

tom line, and they may not be able to pass the expense on to the consumer. Ultimately, they will lose sales to neighboring towns that don't have local option sales tax.

- ♦ **Local option sales taxes impact local economic development efforts:** Municipalities around the state work hard to try to attract businesses to their locales; many hire economic development directors to do just that. This will do nothing to attract businesses, but instead, would discourage businesses from locating in towns that have additional taxes. This bill will make towns that impose sales taxes less attractive. Once local option taxes are in place, they would be virtually impossible to remove because that municipality would become dependent on the revenue.

If you have any questions, please contact Linda Caprara by calling (207) 623-4568, ext. 106, or by emailing lcaprara@mainechamber.org. □

Labor issues dominate session policy debates —

— Bills rejected in the past find new life this session

A change in political power brought with it a change in policy direction this session in the Joint Standing Committee on Labor and Housing. From the outset, it was clear that numerous bills submitted at some point during the past eight years, would find new life and the potential for enactment in the First Session of the 129th Legislature.

The 2018 elections put Democrats firmly in charge of both the Maine House and Senate, and as a result, a majority in each of the Legislature's joint standing committees. One of the first changes to take place as new leadership assumed control of the process, was to disband the Labor, Commerce, Research and Economic Development Committee (LCRED) that had replaced the Labor committee eight years earlier. In truth, this wasn't a bad decision. The former LCRED committee was one of the most overworked committees in the Statehouse, leaving members with little time to actually work on individual bills. What's more, it did little to reduce partisan debates on bills, one of the original intents of the change. Instead, leadership brought back the Labor committee, adding to their workload public housing issues, making it the Labor and Housing committee.

The committee's workload was considerable. In addition to the more than 25 workers' compensation bills and the controversial mandatory paid sick leave bill, committee members heard testimony on a number of proposals that impact the workplace and business practices. While the committee ultimately decided against moving forward with some of these proposals, they enacted enough new labor bills to significantly complicate doing business in Maine for many employers, particularly small businesses that lack access to a human resource professional or advice.

Minimum Wage Relief...

Unfortunately, none of the nearly a dozen bills that would have brought some relief to the many Maine small businesses struggling under the \$0.50 minimum

wage increase over only four years saw the light of day. Despite a lengthy public hearing that saw dozens of small businesses ask for some kind of relief – not through rolling back the current minimum wage, but by instituting a temporary youth wage or adopting an urban/rural minimum wage differential, like New York has adopted – were rejected without discussion by majority democrats. What they got was a request for more data.

So, despite an overwhelming outcry from small, rural businesses, there appears no relief in sight as Maine heads for yet another dollar-increase to a \$12 an hour minimum wage in 2020. While proponents of the higher wage will argue otherwise, higher wage-and-hour costs dictated by state statute and outside of the control of small business leave them few good opportunities with which to adjust their business model. In the end, this means, consumers can expect to continue to see higher prices – and employees will see optional benefits reduced, their hours reduced, their jobs eliminated, or the closing of the small businesses that once provided them with a good job.

Call Center Legislation...

A divided Labor committee – with Democrats supporting and Republicans opposing – approved an amended version of **LD 201, An Act to Protect Jobs in the State by Requiring Advance Notice of Closure of Call Centers**, sponsored by Rep. Michelle Dunphy (D-Old Town). The amended version of the bill, while still somewhat problematic, is a far better outcome than the original proposal. The full legislature went on to enact the bill into law, and it was signed by Governor Mills.

As drafted, LD 201 would have would have targeted call centers directly, and imposed a series of punishments and penalties, including a claw-back provision for any state incentive the facility or business might have accepted and required a notification provision similar to the Worker Adjustment and Retraining Notification (WARN) Act, insisting that

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Efforts to lower the exclusion amount for the estate tax carried over to next session —

After failing to garner enough votes to pass in the House (70-75) and in the Senate (12-19), **LD 420, An Act to Amend the Maine Exclusion Amount in the Estate Tax**, sponsored by Rep. Benjamin Collings (D-Portland), was recommitted to the Taxation committee and carried over until next session. LD 420 was one of two estate tax bills to come before the Taxation committee this session. The other bill – **LD 518, An Act Change the Exclusion Amount under the Estate Tax**, sponsored by Rep. Heidi Brooks (D-Lewiston) – was defeated earlier this year.

At the public hearing in March 2019, the Maine State Chamber opposed both bills because they would have lowered the exclusion amount for estate tax purposes from the current \$5.7 million to \$2 million in LD 420 and \$1 million in LD 518. The Maine State Chamber has been on record for *increasing* the estate tax exclusion amount or eliminating the estate tax altogether. The Maine State Chamber has argued that the estate tax hurts Maine businesses, particularly smaller businesses and farms, that work very hard to pass long assets to their children and grandchildren. Lowering the exclusion amount would take away that opportunity and instead slap them with a massive death tax. If beneficiaries couldn't pay the taxes due up front, they may be forced to deplete any capital they have in the business or perhaps even need to sell it to pay the tax. Ultimately, it punishes and penalizes success.

In an effort to get something passed next year, the Maine State Chamber is assuming the proponents will change the exclusion amount again to something short of the current \$5.7 million. Regardless, the Maine State Chamber will again oppose the bill as it is essentially a tax increase. If you have any questions, please contact Linda Caprara by calling (207) 623-4568, ext. 106, or by emailing lcaprara@mainechamber.org. □

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any currently operating call center provides the state with at least 120 days' notice before relocation or it could face a \$10,000 per day fine.

As amended, the majority report eliminates all references to call centers. Instead, the bill extends the state version of the WARN notice provisions to all large employers (defined as more than 100 employees) to provide notice to workers, the state, and municipalities 90 days in advance of a mass layoff or facility closure. Failure to provide timely notice results in a \$500 per day fine.

Wage-and-Hour Violations...

In another party-line vote, Democrats approved a provision that will significantly increase the fines that can be levied against an employer for a violation of Maine's wage and hour laws, *even if the violation was the result of an honest mistake by the business.*

LD 857, *An Act to Increase Accountability for Wage Violations*, sponsored by Rep. Ben Collings (D-Portland), was initially submitted in 2017 during the 128th Legislature. The committee rejected increasing fines, and instead, directed the Maine Department of Labor to seek data on the prevalence of violations and the resulting wage losses. As drafted, the bill increases the fine for a wage violation to an initial \$500 from the current \$100, and authorized a fine of \$2,500 per additional violation, allowed a private right of action, and allowed an impacted worker earning minimum wage to be eligible for triple damages and attorney's fees.

At the bill's public hearing, the Maine State Chamber opposed the bill for several reasons. The bill doesn't delineate between a mistake and an act of willful maliciousness. Instead, the bill simply exposes a business to a significant fine for potentially an honest mistake. In addition, we expressed concern that we were unclear how the "subsequent violation" section would work. For instance, if every paycheck of every employee in the company contained an error of withhold-

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LIFT / STEP Legislation...

(Continued from Page 7...)

a family of three making over \$12,276/year can't get help from TANF even though they are living far below the poverty level of \$21,330/year. When you lift the gross income test, a family of three making up to \$18,780/year could access this critical support to help meet basic needs and get help finding a job, education, or training;

- ♦ Establish a Working Group to make improvements at DHHS to help make government accountable to all of us and ensure that programs are working to help LIFT families out of poverty;
- ♦ Require the Maine Department of Health and Human Services (DHHS) to measure and track Maine's progress toward ensuring that families get the help they need by setting targets for improvement in anti-poverty programs and tracking progress for accountability;
- ♦ Authorize DHHS to streamline eligibility for Transitional Medicaid for working families leaving TANF so more families have continuity of care – this would help address the cliff effect in TANF and Medicaid;
- ♦ Invest in the "Whole Family Economic Security Initiatives" approach to service delivery, which combines supports for post-secondary education and workforce development for parents with quality early care and education for children, all while ensuring that families can meet their basic needs;
- ♦ Significantly reduce the "benefits cliff" families face when they transition off TANF into employment. Benefits "cliffs" can occur when a family's increase in earnings results in a sudden loss of benefits;
- ♦ Parents and caregivers could count GED coursework and programs that assist people in earning a GED toward meeting eligibility requirements as part of the first 20 hours of

their weekly work requirements in TANF. Prioritizing education helps move families toward greater economic opportunity; and,

- ♦ Authorize DHHS to increase the amount of Transitional Food Assistance for working families who are transitioning from TANF to employment, to address high rates of hunger.

Part of the solution to address Maine's aging and shrinking workforce must be to focus on Maine's adult learner population. These laws will help advance more low-skilled, low-wage adult workers in today's economy. These laws are necessary for many individuals whose barriers to employment are broader than simple skill deficiencies. They will help pave pathways from education to employment for these adults, while providing them with the support they need to succeed, resulting in real positive results. These laws will help connect the dots between education and training. They will help increase wages, expanding opportunities for better paying jobs and for children's chances for a bright future. Not surprisingly, parents who have stronger literacy skills and more education themselves are better situated to help their children learn.

These laws will help address the economic challenges facing businesses, individuals, and communities, and in building a skilled workforce to support sustainable economic growth will create more opportunities for workers and businesses to prosper. They will also help more parents pursue education as a pathway out of poverty, ensure more families with children are able to meet their basic needs, and help both children and their parents move out of poverty.

Poverty knows no political bounds. We are all impacted, and we all have a stake in solving it. Together, these pieces of legislation represent thoughtful and meaningful bipartisanship. For more information, please contact Megan Sanborn by calling (207) 623-4568, ext. 108, or by emailing msanborn@mainechamber.org. □

Legislative hearings are now required by law on citizen-initiated legislation —————

The Maine State Chamber of Commerce testified in support of **LD 1209**, *An Act to Require Legislative Hearings on Citizen-initiated Legislation*, sponsored by Rep. Richard Bradstreet (R-Vassalboro) and Sen. Jeff Timberlake (R-Androscoggin) earlier in this legislative session. On May 23, Governor Janet Mills signed the bill into law.

LD 1209 requires that a petition for the direct initiative of legislation, once it has been certified by the Secretary of State, be submitted for consideration by the Legislature to receive a public hearing before a joint standing committee of the Legislature or a special legislative committee established by the Legislative Council. The public hearing must be conducted in the same manner as other public hearings.

The Maine State Chamber supported LD 1209 because citizen's initiatives may have far reaching implications to the state, the economy, jobs, and to individuals – just like other legislation in which a public hearing is scheduled and the public is notified. We believe that a public hearing allows the bill to be thoroughly reviewed and go through the normal legislative process so that the voters of Maine may have clearer idea of what the legislation does.

Good public policy is best achieved through robust discussion and debate. By Governor Mills signing this legislation into law, Maine is strengthening the transparency in the referendum process for all voters and ensuring that the people of Maine have access to critical information through the public hearing process so they can make informed decisions on the questions before them. As recent history has shown, these referendums can cause a lot of work for the Legislature after they are enacted by the voters. This bipartisan legislative review is an important step before the issue moves into the public campaign phase that leads up to Election Day. Campaigns tend to be waged in the media via paid advertising and staged events, forcing the public to choose which competing or conflicting ads to believe. Without the benefit of a legislative hearing, the voting public has no readily accessible place to go for perspective and analysis.

The Maine State Chamber applauds the Legislature and the Governor for working in a bipartisan manner to pass this legislation that will benefit all Maine people. This legislation respects the citizen's initiative process and will provide clarity to citizen's initiatives enabling voters to make well-informed decisions.

For more information, please contact Megan Sanborn by calling (207) 623-4568, ext. 108a, or by emailing msanborn@mainechamber.org. □

Language added to super credit bill may expose trade secrets of Maine businesses taking tax expenditures

— ***Still viable, the super credit bill has been carried over***

In the final days of the legislative session, language not discussed in the committee was tacked on in the form of a committee amendment to **LD 977**, *An Act to Restore the Super Credit for Substantially Increased Research & Development*, sponsored by Rep. Allison Hepler (D-Woolwich). This amendment will require businesses that take tax incentives to provide by request their proprietary and confidential data dealing with trade secrets, patents, copyrights, trademarks, or other intellectual property (to be defined by rulemaking) to the Department of Economic & Community Development (DECD). This information in turn will be given subsequently to the Office of Program Evaluation & Government Accountability (OPEGA) to be used in the review of these expenditures. While the bill was supposed to deal with the credit alone, the amendment applies to *all* tax expenditures.

The amendment also requires businesses to provide all sorts of information, such as the amount received from each economic development incentive; total amount received by the recipient from all economic development incentives and programs; the number, type and wage levels of jobs created or retained in each county; current employment levels for all operations; changes in employment levels; investments made by recipient, etc. This language is a major policy change, and from our perspective, should have had an additional public hearing to allow businesses to weigh in on its implications. The Maine State

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Labor Issues...

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ing, is each individual mistake subject to the \$500 fine, and then the \$2,500 fine?

In their majority report, Democrats eliminated the private right of action section, in part because that right already exists in a different section of Title 26. They retained the increase for the initial violation(s) of \$500 as the original bill proposed and authorized subsequent violations of not less than an additional \$500, and not more than \$2,500. Finally, they dropped the triple damages section to double damages in the case of a worker earning the minimum wage

Democrats on the Labor committee also approved **LD 1524**, *An Act to Prevent Wage Theft*, sponsored by Sen. Troy Jackson (D-Aroostook). This bill makes basic workplace wage and hour requirements, like timely wage payments, payment and vacation pay, last paycheck procedures, subject to the moniker of “wage theft” on the part of the employer. The Chamber opposed the bill. There can be cases in which there are legitimate disputes of wage and hour issues between employers and their employees. LD 1524 makes these legitimate disagreements equivalent to theft. What’s more, it authorizes the Maine Department of Labor to issue injunctive relief, through a “cease work” order. The DOL can order a business to shut down until they have remedied the wage “theft.”

Overtime Standards...

The committee also considered **LD 402**, *An Act to Restore Overtime Protections to Maine Workers*, sponsored by Rep. Ryan Tipping (D-Orono), proposes to increase the overtime threshold by \$22,224 over a four-year period, finally landing on \$55,224 by 2022, and then indexing the threshold each year thereafter by the second quartile of usual weekly earnings for employed full-time wage and salary workers as published by the United States Department of Labor’s Bureau of Labor Statistics.

Referred to as the “overtime” threshold, or alternately as the “salaried” threshold, it is the monetary dividing line between employees who are considered salaried/exempt for the purposes of over-

time pay, and those who are hourly workers and therefore eligible for overtime pay after working 40 hours in a week. As drafted, LD 402 would increase Maine’s threshold from its current level of \$33,000 to \$40,408 in 2020, then increase it again to \$47,816 in 2021, and finally to \$55,224 in 2022.

Since 2009, Maine’s monetary dividing line separating hourly/non-exempt versus salaried/exempt has been tied to changes in Maine’s minimum wage. At that time, Title 26 was amended to create a threshold that is 3,000 times the state’s minimum wage. While the federal threshold is currently set at \$22,660, Maine’s threshold has climbed to its current level of \$33,000. With the next scheduled increase in Maine’s minimum wage to \$12 an hour in 2020, the threshold will again climb to \$36,000. It will continue to increase, as Maine’s minimum wage is indexed by changes to the CPI here yearly.

In 2015 and 2016, the final two years of President Barack Obama’s tenure, he directed the U.S. Department of Labor to undertake rulemaking to adjust the threshold nationally. The process was a contentious one, with the U.S. Department of Labor receiving literally hundreds of thousands of comments on the subject from employers and labor groups alike. After an initial recommendation of roughly \$52,000, the department issued threshold guidelines increasing the amount from \$23,660 to \$47,467, to take effect in 2016. Not surprisingly litigation ensued, and in August 2017, the U.S. District Court for the Eastern District of Texas later invalidated this regulation on the basis that the \$47,456 annual salary (\$913 per week) was so high as to render the duties tests for exemption irrelevant.

The committee heard LD 402 early in the session. It had a long public hearing, with opponents far outweighing proponents. After the public hearing, the bill disappeared. Finally, toward the closing weeks of the session, it re-appeared as a carryover request. The committee did agree to carry the bill over to the second session – meaning the bill and its many issues have not gone away but have merely been postponed.

LD 402 will significantly increase to cost of doing business for nearly every employer – for profit or non-profit, large

or small – operating in Maine. Furthermore, it will make Maine an outlier compared to the other 49 states who have not imposed such standards on their employers. This bill will certainly hurt Maine’s ability to attract new businesses, new jobs, and new opportunities for our citizens. We intend to continue to oppose this bill strongly in 2020.

Equal Pay...

Despite opposition from the Maine State Chamber for creating a trap for the unwary small businessperson, the Democrats on the Labor committee, along with a majority of the legislators and Governor Mills approved **LD 278**, *An Act Regarding Pay Equality*, sponsored by Sen. Cathy Breen (D-Cumberland). Allegedly a bill designed to inhibit gender pay inequity, the bill as drafted will prevent employers from asking prospective job applicants about their previous salary history, either in an interview or in writing, on a job application. In addition, they are forbidden from researching an applicant’s past salary history. Doing so may be used as evidence of pay discrimination. The bill also allows, for the purposes of preventing pay discrimination, employees in the workplace to discuss their salary *and the salary of other employees*, without fear of retaliation. Lastly, the new law subjects violators to penalties, and a civil action with compensatory damages.

Despite the laudable goals of the new law, this bill will present a problem for the many small businesses that don’t have an HR department and don’t have access to good HR advice. It is a trap for the unwary small businessperson, who never intends to couple salary history with discrimination, but rather gauging the market price for workers in their area doing the same work. Regardless, a majority of the committee and legislature rejected these concerns, and the bill is now law.

Non-Compete Agreements...

Like LD 278, a majority of the legislature approved **LD 733**, *An Act to Promote Keeping Workers in Maine*, sponsored by Rep. John Schneck (D-Bangor). The bill’s impact on the workplace going forward is unclear, but early

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LD 647 seeks to attract, educate and retain new state residents to strengthen the workforce

The Maine State Chamber worked throughout the legislative session with Rep. Kristen Cloutier (D-Lewiston), members of the Appropriations and Financial Affairs (AFA) committee, members of Leadership in the House and Senate as well as staff members from the administration on **LD 647, *An Act To Attract, Educate and Retain New State Residents To Strengthen the Workforce.***

LD 647 would create various programs to provide education, services, and training for the state's workforce immigrant populations. The bill would address some of the basic barriers to integrating immigrants into the workforce and to becoming a welcoming state so that we will be able to attract people of all nationalities.

First and foremost, this bill proposed more resources to help immigrants learn English, with an emphasis on English language classes tailored to specific workplaces and industries. The more English proficient people are, the higher their earnings and ability to contribute to the local economy.

The bill would help immigrants understand the economic landscape, the needs of employers, and the process for applying and interviewing for jobs.

LD 647 places responsibility in the Office of Adult Education at the Department of Education to administer competitive grant programs to spread money beyond just the urban areas to communicate with emerging immigrant populations.

It would establish the Welcome Center Initiative to operate welcome centers in adult education programs to provide education, services and training for foreign-trained workers in municipalities or regions of the state that have immigrant populations or that have industries that are experiencing a shortage of trained workers, patterned after the New Mainers Resource Center operated by the City of Portland adult education program through a pilot program created by the 126th Legislature. These centers would work particularly with higher-skilled immigrants to provide services and training to

prepare them to enter Maine's job market within a period of six to 18 months.

Additionally, the bill tasks the Department of Education to provide grants for English Language instruction for adult education programs.

Maine is faced with a workforce shortage across all sectors and regions. By 2025, Maine will need approximately 158,000 more workers than exist here today. We are the oldest state in the nation and getting older. More people are dying than being born. Our median age has gone up. Our workforce is smaller than it was 10 years ago, and baby boomers are exiting the workforce with fewer younger workers to take their place. Unless this trend is reversed, the Maine economy will begin to suffer. Capital investment simply will not flow to a place with a shrinking and aging workforce.

There is some great work being done in attracting people to move to our state, but we must do more. Just as we are the oldest state in the nation, we are also the least diverse. Maine has experienced a recent population growth, which has been due entirely to immigrants. Maine is home to roughly 49,000 immigrants. These people have higher educational levels than Mainers, on average, and if they are asylum seekers, they tend to have advanced degrees and are professionals. They have become entrepreneurs and opened new businesses.

We constantly hear about the workforce shortage across the state of Maine and across of fields, health care, construction, and hospitality. Communities are all experiencing more immigrants in the community and the corresponding need for ESL classes. There are many Maine people who are not employed to their full potential, but immigrants face a more unique barrier. Maine needs specific strategies and supports to integrate them into the workforce. Some immigrants have limited English skills, a lack of familiarity with the job application and interview process, lack of U.S. work experience, difficulties with credential

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R&D Super Credit... (Continued from Page 11...)

Chamber remains adamantly opposed to the amended version of this bill.

At the work session on LD 977, the committee talked about a couple changes, namely inserting a sunset date and adding language so the credit can be reviewed by the Office of Evaluation & Government Accountability. The committee never talked about adding language dealing with handing over trade secrets and confidential information to DECD or OPEGA. The printed version was *very different* from what the committee had talked about adopting.

The Maine State Chamber does however support reinstating the credit itself. Under the bill, the super credit that would be allowed is the excess of the qualified research expenses over the "super credit base amount," which is defined as the greater of the average annual amount spent on R&D in the three years preceding the tax year for which the credit is generated and the average annual amount spent on qualified R&D related expenses by the taxpayer in the three years preceding October 1, 2019. As originally drafted, the bill would have restored the credit retroactively to January 1, 2014. The amended version removes the retroactive provision.

The bill was approved in both the House and Senate and now sits on the Special Appropriations Table as unfinished business and a carry over. The Legislature and/or the Appropriations committee will take up the bill next session.

A couple years ago, the Super Credit for Substantially Increased Research & Development was originally eliminated in the wee hours during budget negotiations. Unfortunately, because it was a done deal with the budget, the business community had no opportunity to weigh in on the decision at that time. Efforts to reinstate the credit have come down to funding.

If you have any questions, please contact Linda Caprara by calling (207) 623-4568, ext. 106, or by emailing lcaprara@mainechamber.org. □

Labor Issues...

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discussions that the Maine State Chamber's advocacy staff has been present for is decidedly negative. The bill will forbid the use of non-compete agreements in many cases, by prohibiting an employer from requiring or permitting an employee earning wages at or below 400% of the federal poverty level to enter into a non-compete agreement with the employer. In addition, the new law will restrict the enforceability of non-compete agreements to the extent that they are reasonable, not broader than necessary to protect a legitimate business interest of the employer, such as trade secrets, confidential information, or good will. It also adds a presumption that a non-compete agreement is necessary if the legitimate business interest cannot be adequately protected through an alternative restrictive covenant.

Prior to the signing of LD 733, it was the purview of the courts to regulate the validity and enforceability of non-compete agreements, and there was a long legal record as to what kind of non-compete agreements would pass muster. Employers relied on these decisions when structuring any non-compete agreements. That all changes with the signing of LD 733. The 400% threshold for a single individual is only slightly less than \$50,000, meaning the legitimate use of non-competes are likely to be significantly curtailed going forward in Maine. Some will see this as a good thing, but such agreements have a role in today's fast moving, open, and complex business world. Maine joins just a handful of states to restrict non-compete agreements.

Non-Disclosure Agreements...

Both a majority of the Labor and Housing committee and the full legislature approved **LD 1529, *An Act Concerning Nondisclosure Agreements in Employment***, sponsored by Rep. Thom Harnett (D-Gardiner). The bill would have significantly restricted the right of an employer to use non-disclosure agreements (NDA), both with prospective employees at hire or in cases where settlements for discrimination claims con-

tained an NDA, unless the aggrieved party agreed to the NDA as part of the settlement. However even in those cases, the bill went on to render most NDAs as unenforceable, because they could not limit a victim's right to provide testimony or statements to the Maine Human Rights Commission or the Maine Department of Labor.

The Maine State Chamber opposed this bill. As drafted, the net effect would be to end the use of NDAs in the workplace. Once again, while some might hail this as something positive, NDAs have a role in protecting not only the privacy of the business, but of the victim of discrimination as well. If a business cannot rely on an agreed upon NDA as part of a settlement, then why settle any claim?

These concerns must have resonated with Governor Mills. Despite the bill's passage in both the House and Senate, when the bill arrived on the Governor's desk, she had it recalled. The bill was subsequently sent back to the Labor and Housing committee and carried over until next session, where it will once again be debated.

Paid Family Medical Leave...

One of Speaker Sara Gideon's (D-Freeport) major legislative priorities, **LD 1410, *An Act To Create Paid Family and Medical Leave Benefits***, arrived toward the end of the legislative session to a packed public hearing. As drafted, the bill would have set up a new benefit, administered similar to the Unemployment Insurance program, by the Maine DOL. It would apply to *all* employers, regardless of size, and provide up to 12 weeks of paternity/maternity leave, and up to 20 weeks to cover a serious medical condition. The bill was funded by a *mandatory* 0.75% payroll tax on all earners, presumably including LLCs and S-Corps.

Despite the laudable goal of the proposal, it was strongly opposed by the Maine State Chamber and a number of other business associations for a host of reasons, not the least of which was the implementation of a new tax on all workers and a new entitlement that would greatly complicate the workplace. Furthermore, proponents of the bill could produce no actuarial backup information

that the programmatic and financial assumptions that made up the foundation of the program could be supported. As strongly indicated in our testimony, an extensive actuarial study needed to be conducted to ensure any such program is properly financed and will remain fiscally solvent into the future. While only a few states have elected to institute paid FMLA, a number of those that have used an existing state short- or long-term disability insurance program to do so. Maine does not have such a program; we'd be starting from scratch. No legislature or state government should authorize the startup of a long- or short-term disability insurance company without ensuring its long-term viability.

Despite pressure from a variety of sources, it was the decision of the committee to carry the bill over until 2020. To the best of our knowledge, no interim actuarial study is taking place between now and then to test the viability and assumptions of the bill.

If you have taken the time to read to the completion of this article, it should be clear that the Labor and Housing committee had a busy five and a half months. The bills discussed here are a sampling of the many pieces of legislation and public policy discussions that took place "around the horseshoe" in committee. Throughout all that time and work, the committee chairs – Sen. Shenna Bellows (D-Kennebec) and Rep. Mike Sylvester (D-Portland) – maintained a sense of decorum and respectfulness even when they may not have agreed with the position of the business community. The other committee members were equally effective and respectful. The entire committee is to be commended both for their work and for demeanor in which they conducted it, as they waded through more than a hundred bills, public hearings, and work sessions. The Maine State Chamber of Commerce would like to thank each of them for their service to this state and its people.

For questions about any of the bills here, or additional information, please contact Peter Gore by calling (207) 623-4568, ext. 107, or by emailing pgore@mainechamber.org. □

Bills targeting transmission corridor fail to make their way through the legislature

Legislature defeats three bills that would have impacted New England Clean Energy Connect Project, Governor Mills veto sustained on two key bills

The 129th Legislature has seen several bills aimed at derailing the regulatory proceedings for the New England Clean Energy Connect project. The Maine State Chamber has worked with the Mainers for Clean Energy Jobs Coalition to oppose these pieces of legislation.

The first bill, **LD 640**, *Resolve, To Require a Study of Greenhouse Gas Emissions Reductions from the Proposed Central Maine Power Company Transmission Corridor* (Emergency), sponsored by Sen. Brownie Carson (D-Cumberland), was a bill that was aimed at requiring a study outside of the DEP permitting process that would have interrupted the normal regulatory process. The Maine State Chamber has a long history of opposing similar legislation that seeks to change the regulatory process once it has begun, and LD 640 was no different. It is akin to moving the goal posts once the game has started. We are happy to report that LD 640 failed to receive the required votes for an emergency enactment and died in non-concurrence between the legislative bodies. Regulatory certainty won at the end of the day.

LD 640 was not the only bill seeking to interrupt the NECEC regulatory proceeding. There were two other bills of concern: **LD 1363**, *An Act Regarding Energy Transmission Corridors* (Emergency), sponsored by Rep. Seth Berry (D-Bowdoinham); and, **LD 1383**, *An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding Transmission and Distribution Utilities*, sponsored by Rep. Chad Grignon (R-Athens). Both bills passed the legislature's votes, but not with the level of support that would be necessary to overcome Governor Mill's veto of both bills, who supports the NECEC project. The Maine State Chamber strongly supported both vetoes and is happy to report that both were sustained.

LD 1363 would have "required that

at least two-thirds of the local governments, through which the high-impact electric transmission line will pass, approve the line and clarifies that, if a referendum vote is held, that vote supersedes any vote by local government officers." If this standard were to be adopted, it would be extremely difficult to build this transmission project or those in the future and would hinder not just this project but future statewide development in Maine.

Current law allows the PUC to authorize the use of eminent domain by a transmission and distribution entity in siting a high-impact electric transmission line, exempting this authorization from municipal zoning ordinances. The amended version of LD 1383, however, would have required an affirmative vote of the municipal officers approving the PUC exemption. It would have then required that the transmission and distribution utility obtain approval of the same municipal officers before "exercising the right of eminent domain."

The Maine State Chamber of Commerce opposed both bills, because they:

- ♦ **Proposed an 11th-hour disruption to well-established permitting policies that carefully balances the diversity of public interests:** The regulatory and permitting processes the legislature has delegated to state agencies are justified, in part, to insulate decisions from the political pressures of the day. This bill unwisely circumvents that insulation;
- ♦ **Imprudently used statute to respond to a single project**, without careful consideration of long-term impacts on future development; and,
- ♦ **Turned Maine's tradition of local control on its head:** One of the key functions of state government is to set policies that resolve potential conflicts between local jurisdictions that might harm the larger public interest. Public infrastructure like roads,

LD 647...

(Continued from Page 13...)

recognition and recertification challenges, lack of transportation, and the list goes on. Maine needs a coordinated initiative to invest in this new workforce.

LD 647 passed the House and the Senate and was placed on the Special Appropriations table. This "table" is where legislators send any bills with a fiscal note, or price tag, that was passed by both the House and the Senate. If the bills are not funded by the AFA committee and leadership, they will either be carried over until the next legislative session beginning in January 2020, or they will "die" when the Legislature adjourns.

It was decided that LD 647 will be carried over until the Second Regular Session of the 129th Maine Legislature. For more information, please contact Megan Sanborn by calling (207) 623-4568, ext. 108, or by emailing msanborn@mainechamber.org. □

telecommunications, gas lines, water supply, and electricity transmission, are great examples of vital services that often cross jurisdictional boundaries. The state exercises broad authority with these services because there is a collective interest in them. Under these bills, a small handful of municipalities would be in a position to hold hostage the benefits that would otherwise accrue to the entire state (e.g., economic benefits like jobs and electricity rate suppression, as well as environmental benefits like significant reductions in greenhouse gas emissions). This legislation could give a few small towns control over the interests of every person in the state. That's not local control.

The Maine State Chamber of Commerce would like to thank Governor Mills and the legislators for their work to defeat LD 640, LD 1363, and LD 1383. If you have any questions, please contact Ben Gilman by calling (207) 623-4568, ext. 111 or by emailing bgilman@mainechamber.org. □

Legislature bans plastic bags and polystyrene food containers

They also phase out the chemical PFAS from food packaging

Some would say that one characterization of the first session of the 129th Legislature was a session of bans, which on its face is true, but one needs to look deeper to see why we ended up here. It is true that, beginning January 1 of next year, plastic bags and polystyrene containers will no longer be in use for the retail and food service community, but heading into this session, there were already 22 communities in Maine that had adopted some sort of ban. Having a patchwork of local regulations made finding a statewide solution a priority.

Maine's retail association worked with some of the environmental groups to come up with a statewide solution of plastic bags that pre-empted the municipal ordinances. And they did just that – the compromise bans single use plastics and replaces them with reusable plastic bags or paper that are made from 100% recycled material. In addition, the retailer can charge five cents per paper bag that they retain to help offset the increased costs of the bags. Beginning on January 1 as well, polystyrene containers are also banned for use in the food service industry, with an exemption for shipping lobsters, and the replacement will be paper or containers made from non-styrene.

The other related issue that the legislature dealt with the use of perfluoroalkyl and polyfluoroalkyl substances, or PFAS

Continued on Page 17...

Legislature defeats two bills that would have taxed and placed moratorium on water extraction

Bills would have crippled jobs and investment for Poland Spring Water

On Wednesday, June 19, the Senate voted 10 to 24 (one excused) against the minority “ought-to-pass” report on **LD 1074**, *An Act to Establish a Tax on Water Extracted for Bottling in Order to Secure the Economic Future of Rural Maine*, sponsored by Rep. Lori Gramlich (D-Old Orchard), finally sealing the bill's fate once and for all. After the failed vote, the Senate accepted the majority “ought-not-to-pass” report. The vote came after the House had already accepted the majority “ought-not-to-pass” report 92-50 (eight absent and one excused). The bill would have placed a 12-cent per gallon tax on water extracted for commercial bottling purposes.

Back in March, Linda Caprara testified on behalf of the Maine State Chamber in strong opposition to the bill. The Maine State Chamber testified that LD 1074 was nothing more than a “jobs killer” bill. Caprara said that, given Maine's unlimited water resources, we should be encouraging its responsible use as a way to create jobs for Maine citizens and not discourage the industry by taxing the regulated use of a renewable resource.

The proposed 12-cent per gallon tax would have placed Poland Spring at a huge competitive disadvantage with its competitors in other states by slapping Poland Spring with significant unnecessary costs that it would have had to somehow absorb in its operations – costs that competitors wouldn't have to pay. The Maine State Chamber's testimony focused on the fact that Maine's groundwater sources are sustainable and renewable, and that Maine should be proud to have an entire industry based on such resources. The Poland Spring Water brand is known worldwide for its water quality, and if LD 1074 bill had passed, it would have had a chilling effect on future investment in Maine – and no doubt jobs as well.

At the public hearing, more than 30 people from various walks of life – including employees, vendors and suppliers, and trade associations around the state – testified in strong opposition to the bill. There were only about five people testifying in support of the bill.

On Tuesday, May 21, the bill received a 11-2 “ought-not-to-pass” vote from the Joint Standing Committee on Taxation. Committee members – Rep. Don Marean (I-Hollis), Sen. Matthew Pouliot (R-Kennebec), Rep. Steve Stanley (D-Medway), Rep. Bruce Bickford (R-Auburn), Rep. Ted Kryzak (R-Acton), Rep. Trey Stewart (R-Presque Isle), Rep. Ann Matlack (D-St. George), Sen. Heather Sanborn (D-Cumberland), Rep. Maureen Terry (D-Gorham), Rep. Kristen Cloutier (D-Lewiston), Rep. Diane Denk (D-Kennebunk) – signed the “ought-not-to-pass” report. Sen. Ben Chipman (D-Cumberland) and Rep. Ryan Tipping (D-Orono) signed the “ought-to-pass as amended” report. The proposed amendment would have put the issue out to referendum and placed a 5-cent per gallon tax on water extracted and used some of the money for the highway fund.

Unfortunately, this is not the first time a bill like this has been before the Legislature. If you have any questions, please contact Linda Caprara by calling (207) 623-4568, ext. 106, or by emailing lcaprara@mainechamber.org. □

Legislature defeats water extraction moratorium

***Bill would have imposed two-year ban, but was
unanimously voted ought-not-to-pass***

Anytime the term moratorium is used in a bill title, it usually needs to be examined carefully as any moratorium can send negative signals to Maine's businesses and should only be used in extreme circumstances. Specifically in **LD 197, *An Act To Convene a Working Group To Authorize a Public Trust for Maine's Groundwater and To Impose a 2-year Moratorium on Large-scale Groundwater Extraction***, sponsored by Rep. Michael Sylvester (D-Portland), the Maine State Chamber of Commerce opposed LD 197 due to the moratorium it would have created in law for Maine businesses involved in water. For more than 100 years, Maine has developed common law surrounding water rights that landowners have an "absolute dominion" to extract water under their own land – LD 197 would alter this dramatically. In one swoop, this law would have repealed more than 100 years of established law that the business community has come to rely on and create a moratorium.

The Maine State Chamber advocates for consistency and certainty in our regulatory system. If LD 197 had passed, it would have removed consistency surrounding Maine's water regulations and removed more than 100 years of settled common law. The Maine State Chamber expressed to the committee that this bill would have taken us in the wrong direction as a state in trying to improve our business climate and urged committee members to oppose this bill, which they did.

As a state, water is one of our brands – what we are known for. In fact, water from Maine is the number one item sold in New York City. When Maine State Chamber staff attended a conference in Philadelphia, everyone around the table had a bottle of water in front of them. One of the attendees read the label – water from Maine! The conversation ensued that what a wonderful product it was, and the conversation spread around the room. I am sure you all can guess where that water was from – Poland Spring. Next time you drink a bottle of Poland Spring water – read the label. What a great message to send out to world – what it means to be from Maine is clean water.

Legislation such as LD 197 sought to make it more difficult for business involved in water in Maine to operate – that is not the direction we want to go in as a state or the message we want to send to those outside of Maine. Thank you to all those who worked to help defeat LD 197. If you have any questions, please contact Ben Gilman by calling (207) 623-4568, ext. 111, or by emailing bgilman@mainechamber.org. □

Food Packaging... (Continued from Page 16...)

in food packaging. PFAs are used in paper food packaging as the coating that keeps the liquid or grease from seeping into the packaging. Last fall, PFAs began to show up in some of the sludge being spread on farms in Maine. Governor Janet Mills signed an executive order, which the Maine State Chamber supported, that set up a group to look at the use of PFAs in Maine and report some possible solutions back to the legislature next year.

It is important to note that there are manufacturers in Maine who make food packaging, and we need to balance the regulation with the potential impact on jobs here in Maine. The Governor's executive order strikes that balance with representatives from government, environmental, and industry working together on a potential solution.

In addition to the executive order, the legislature took action as well passing **LD 1433, *An Act To Protect the Environment and Public Health by Further Reducing Toxic Chemicals in Packaging***, sponsored by Rep. Jessica Fay (D-Raymond). The bill authorizes the Department of Environmental Protection to prohibit by rule the sale of food packaging to which perfluoroalkyl and polyfluoroalkyl substances (PFAs) have been intentionally introduced upon a determination by the department that a safer alternative is available, except that such prohibition may not take effect until January 1, 2022, or two years following the department's determination that a safer alternative is available, whichever is later.

If you have any questions about any of these laws, please contact Ben Gilman by calling (207) 623-4568, ext. 111, or by emailing bgilman@mainechamber.org. □

Legislature turns chemical regulation bill into a study with a report back —

— Maine already regulates chemicals under the Toxic Use Reduction Act and the Kid Safe Products Act

On Monday, March 25, the Labor and House Committee held a public hearing on **LD 1017, An Act Regarding the Elimination of Highly Toxic and Hazardous Chemicals in the Workplace**, sponsored by Sen. Brownie Carson (D-Cumberland). The Maine State Chamber of Commerce strongly opposed LD 1017 due to its duplicative nature of chemical regulation law that already exists in Maine, but was supportive of the committee action to look at the issue deeper and report back to the committee of jurisdiction next year.

Maine is one of the few states that has its own chemical regulation law in place beyond the federal law for both the workplace and consumers, and it is one of the most stringent in the country – looking into the issue will bear this out. Current law, the Toxic Use Reduction Act (TURA) and the Kid Safe Products Act (KSPA), were both passed or updated in the 124th Legislature and are housed at the Department of Environmental Protection. Both laws have been updated and been through rulemaking since their passage. Both TURA and KSPA were crafted to protect Maine families, kids, and workers, while also delivering regulatory certainty to Maine’s business community.

The current laws have been both endorsed by Maine’s environmental and business community – a rarity that you will not find in most states. Both the TURA Rules (Ch. 81 and Ch. 82) and the KSPA rules (Title 38, Ch. 16-D) are available online on the Maine DEP website (www.maine.gov/dep) so you can see for yourself the protections in place in

Continued on Page 19...

Maine small cells legislation passes —

The model municipal ordinance passed by the legislature sets the state for investment in Maine’s cellular network

During the past seven years, the wireless industry has invested nearly \$100 million each year to improve service in the state of Maine. This laudable and necessary effort has helped to keep our state moving forward and enabled Maine’s residents and businesses to capitalize on new opportunities.

One such opportunity will be better facilitated by the passage of LD 1517, *An Act To Facilitate the Deployment of Small Wireless Facilities in Maine* – a bill sponsored by Rep. Teresa Pierce (D-Falmouth) to bring enhanced wireless service to a broader swath of Maine through the use of an important wireless technology called “small cells.” Small cells, which are unobtrusive antennas that attach to utility poles along roads and highways, boost capacity and speed of mobile wireless service, allowing for better coverage and faster downloads. These devices can also greatly expand capacity for consumers in congested areas.

Today, people are consuming more and more wireless data on more and more devices. Reports have found that the number of connected devices in the United States is 180 million and growing. Total mobile data traffic is projected to grow to 49 GB in 2023 – nearly a seven-fold increase from 2017. Cisco projects that by 2021, networks will be strained when smart devices are expected to account for three-quarters of all devices connected to a mobile network – generating 98% of mobile data traffic.

Consumer demand for data has grown and will continue to increase exponentially as the technology of tomorrow becomes part of our daily lives. Small cells can help by enhancing service and preparing a community’s network for future increases in demand.

But the benefits extend beyond today. Small cells will form the backbone for eventual 5G service and the next gen-

eration of technology. Investment in these new technologies holds exciting prospects for communities, public safety, businesses, entrepreneurs, schools and students.

For example, with the additional capacity provided by small cells, new wireless technologies will enable advances in artificial intelligence, connected cars, smart infrastructure, and telemedicine. They will connect things like lighting, water utilities, parking, public transportation and more to the internet – saving money, preserving natural resources and fostering more connected communities.

5G and smart cities technology are expected to have a positive impact on economic development, whether it is by creating jobs, giving entrepreneurs new resources, enabling investment in infrastructure, or empowering employers and employees to work and think differently through things like telework, video-conferencing, or streamlined operations.

Ultimately, the possible innovations of the future are endless, and states that embrace forward-thinking foundation projects like small cell installation will be leaders in crafting that future. This is where we see the greatest opportunity for Maine – to give our people the tools needed to succeed and lead in the digital age. The Maine Legislature has helped facilitate this future by clarifying and streamlining the approval process for small cell deployment. LD 1517 does just that, and we thank our legislators for their support in this effort.

From Portland to Presque Isle, growth, opportunity and innovation can flourish if we facilitate wireless infrastructure investment today. If you have any questions about LD 1517 or small cells, please contact Ben Gilman by calling (207) 623-4568, ext. 111, or by emailing bgilman@mainechamber.org. □

Dana Connors presents testimony on Rural Digital Entrepreneurship to congressional small business committee



EDITOR'S NOTE: On Wed., March 13, Dana Connors, president of the Maine State Chamber of Commerce, testified before the U.S. House of Representatives' Committee on Small Business during a hearing entitled "Flipping the Switch on Rural Digital Entrepreneurship." We have reprinted his testimony below for your consideration.

Chairwoman Velázquez, Ranking Member Chabot and fellow members of the Committee: Thank you for inviting me to speak with you today about the impact of digital tools and technologies on rural small businesses.

My name is Dana Connors and I am the President of the Maine State Chamber of Commerce—an organization that promotes a positive business environment in the state of Maine. As the state's premier business advocacy organization, we empower Maine's business community to collaboratively advance a proactive agenda for economic growth and prosperity throughout the state.

Maine's rich history, vibrant communities, and unparalleled work ethic make our state a fabulous place to work and live. As the voice of Maine Business, the Maine State Chamber of Commerce represents a network of 5,000 businesses of all sectors, sizes, and regions within our great state. We advocate on their behalf daily before the Legislature, state departments, and various levels of state government. We also offer many programs and partnerships to help companies do what they do best ... run their business.

Maine is a rural state. More than 60% of our adult population live in a rural area – the highest in the country. Maine is a small business state 75% employee less than ten people – we have over 35,000 businesses in Maine and using the federal definition of small business, only 64 businesses in Maine that have over 500 employees. As you can imagine, many of these small businesses in Maine are located in rural areas—and I hear from them regularly.

This report validates the need for digital tools and high-speed internet for the today's e-commerce. I would like to share with you how digital economy has helped rural Maine businesses grow and compete in the global economy but also that we still have a lot of work to do.

First is the story of a remarkable person, who moved to Maine after a successful career in New York City. And she didn't move to Portland either, she moved to our most rural county – Washington County. Washington County is the home to lobsterman and blueberry fields that you would see on a postcard.

Continued on Page 21...

Chemicals Regulations... (Continued from Page 18...)

Maine law. They are comprehensive in nature and protect the citizens of Maine.

On top of these protections, there are also the federal requirements from EPA, FDA, OSHA, and Transportation. Our workers in Maine are better protected than any others in the world. In addition to these, Congress recently passed the Toxic Substance Control Act, which updated federal EPA chemical laws for first time since 1973.

Based on all the above, the Maine State Chamber of Commerce did not believe LD 1017 was necessary, and if enacted, will place Maine businesses at a competitive disadvantage to their competitors, internally and externally, in other states. We always support looking into an issue and addressing it if there is something that needs updating. If you have any questions about LD 1017, please contact Ben Gilman by calling (207) 623-4568, ext. 111, or by emailing bgilman@mainechamber.org. □



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L to R: Jeff Garrison, System Director of Heart & Vascular Service Line; David Tupponce, M.D., Executive Vice President of Central Maine Healthcare, President of Central Maine Medical Center; Andrew Eisenhauer, M.D., Medical Director of Central Maine Heart and Vascular Institute; Paul Weldner, M.D.; Arun Thukkani, M.D., Ph.D.; and Phillip Terrell, Practice Leader for 100 Top Hospitals, IBM Watson Health

CENTRAL MAINE MEDICAL CENTER NAMED AMONG TOP 50 CARDIOVASCULAR HOSPITALS IN NATION

Only Hospital in Maine to Receive Honor

Central Maine Medical Center (CMMC) has been named one of the nation's 50 Top Cardiovascular Hospitals by IBM Watson Health™. This is the first year that CMMC, with its Central Maine Heart and Vascular Institute (CMHVI), has been recognized, and it is the only hospital in Maine to receive the honor.

The Central Maine Heart and Vascular Institute is a center of excellence at CMMC, offering advanced cardiac and vascular diagnostic and treatment services, including interventional cardiology, cardiac surgery and cardiac arrhythmia management, as well as many other advanced procedures. Our expert team provides specialty care to inpatients at CMHVI and CMMC in Lewiston, while outpatient care is delivered from CMHVI's Lewiston offices and at other locations throughout central and western Maine. This recognition distinguishes CMMC for the high-quality care provided to patients as well as its ongoing commitment to quality and safety.

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Rural Digital Entrepreneurship... (Continued from Page 19...)

But when she moved to Machias, Maine – access to high speed broadband and the digital economy had not yet arrived in Washington, Maine and this was only 10 years ago. She saw a great opportunity and started a company – Axiom – with one goal, delivering high speed internet access to one of the most rural counties in America. And she has done just that. It truly is a success story and one that has led to economic investment in an area of Maine that for years saw the opposite.

The second story is about a renowned artist who moved to Cranberry Isle, Maine. Maine is becoming a hub for artists and foodies from around the globe but the thing that makes this possible is a high-speed internet connection that allows the artist to connect to the global economy and sell the works of art online. Without the connection, Maine would be a great place to vacation to but not a place to live. The expansion to high speed internet access is allowing us to grow businesses in areas of our state that for years, has been an exodus to urban areas for work.

These are just a couple positive stories of how bridging the digital divide in rural Maine can have a lasting impact on our people and our economy but there is much work still to do. High speed broadband is essential for rural states like Maine and the report we present to you today, highlights the success we can have with continued investment.

I have spent the last 20 years advocating for Maine businesses, and in that time I have witnessed a remarkable transformation in the way Mainers run their business. I've seen firsthand how digital tools and technology allow rural small businesses owners in my state to start, scale, compete and succeed in a global economy—which is essential to a vibrant economy in a rural state.

The Report...

My testimony today is focused on a report released by the U.S. Chamber Technology Engagement Center (C_TEC), the tech policy hub of the U.S. Chamber of Commerce, and generously underwritten by Amazon. C_TEC was established to advance technology's role in the U.S.

economy and to promote policies that foster innovation. C_TEC supports research, like the report we are discussing today, to inform policymakers, regulators, and the public at large.

The report, *Unlocking the Digital Potential of Rural America*, focuses on how digital tools are driving the success of small businesses in rural America and the opportunity digital tools present for entrepreneurs living in rural America.

C_TEC partnered with ndp | analytics to lead the research for the report. To complement official statistics throughout the report, C_TEC also partnered with Ipsos, a global market research firm, to conduct a survey of 5,300 small business owners in rural America about the economic impact of online tools and technology on their businesses. Several key findings of the survey are as follows:

- **Digital technology boosts sales and reduces costs for rural small businesses:** Online tools and technology help rural small businesses expand their customer base in their own community, neighboring states, and, in some cases, outside of the country as well. Online tools boost sales for nearly 55% of rural small businesses across America. In addition, online tools reduce purchasing costs of products and materials for nearly 29% of rural small businesses.
- **Small businesses in rural areas are slowly adopting digital tools and technology:** Nearly 20% of rural small businesses in America generate the vast majority of their revenue (at least 80%) by selling their products and services online. A slightly larger share of rural small businesses, 22%, purchased at least 80% of their goods and services online.
- **Rural small businesses utilize digital tools and technology for sales, marketing, and operations:** About one-third of rural small businesses sell their products and services through their own websites and nearly 13% sell their products and services through third-party websites. Over 58% of rural small businesses have social media accounts and nearly 36% use online advertising services. Rural small businesses also use online tools for operational tasks such as business banking, account-

ing, virtual meetings and conference calls, and cloud computing.

Combining the survey results and official statistics, the research team evaluated the economic impact of digital tools on rural small businesses across the country—assessing impact of GDP and job creation over the past three years, qualifying unrealized gains had the businesses had greater access to digital tools, and forecasting growth in GDP and job creation for the next three years. Several key findings are as follows:

- **Digital technology created opportunities for rural small businesses in the past three years:** Digital tools and technology boosted gross sales of rural small businesses by 17.2% during the past three years, the equivalent of \$69.8 billion per year. The additional gross sales contributed \$38.7 billion to U.S. GDP per year and created 296,288 jobs (full-time equivalent) with \$12.1 billion in wages per year. The magnitude of the economic benefits is equivalent to the size of the economy of Vermont or Wyoming.
- **The economic benefits of digital technologies have not been fully realized in rural areas:** If rural small businesses had better adopted online tools and technology, their gross sales would have increased by an additional 18.3% in the past three years, the equivalent of \$74.4 billion per year. Consequently, rural small businesses would have added another \$41.3 billion to U.S. GDP per year and created an additional 316,605 jobs with \$13.0 billion wages per year. These unrealized economic benefits are equivalent to 0.2% of GDP and over 5% of the number of unemployed people in the U.S. labor force.
- **With greater adoption of digital tools and technology, the potential economic benefits in rural areas are far reaching:** If rural small businesses better adopt online tools and technology, their gross sales could increase by an additional 20.8% during the next three years, the equivalent of \$84.5 billion per year. This increase in sales could contribute an additional \$46.9 billion value added

Continued on Page 22...

Simple Ingredients, Simply Prepared

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**Good Food
Good People
Good Business**

Like the farming families supplying us for three generations, we're passionate about potatoes. Our core ingredient is a virtually fat-free, energy-rich carbohydrate that delivers dietary fiber, vitamin C, potassium, and iron.

Our process is simple – cut, prepare, cook, freeze. So what you see is what you get – tasty, nutritious food you can trust.

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Rural Digital Entrepreneurship... (Continued from Page 21...)

to U.S. GDP per year and create 360,054 jobs with \$14.8 billion wages per year. By unlocking the digital potential of rural small businesses, the U.S. GDP would gain an additional 0.2% per year and reduce the number of unemployed people by nearly 6%.

Impact of Report Findings...

Digital technologies and the e-commerce ecosystem are transforming the way we live and do business. Thanks to the technological innovation during the past 20 years, online tools are widely available and more affordable among American households and businesses. With just one click, Americans can purchase virtually anything from anywhere at competitive prices.

The development of online tools and technology creates a unique opportunity for rural small businesses. Greater internet connectivity will support the opportunity for greater innovation through access to digital tools like the cloud. Small businesses in rural areas will have access to the best tech in the world at a fraction of the cost. Digital technology helps these entrepreneurs run their business while maintaining their lifestyle in rural areas.

These gains underscore the economic potential of rural America, and it is important for the sustainability of the nation's economy that the progress continues. The report includes four recommendations that I wholeheartedly endorse:

- **Increase digital connectivity in rural areas.** Internet and mobile phone connectivity are crucial to selling online. The connection and speed at which a consumer and vendor transact matters. While over 92% of Americans have access to high-speed internet, about 27% of rural residents still do not have access to the FCC broadband standard. The private and public sectors should continue to identify opportunities to expand connectivity, including through deploying infrastructure and expanding wireless spectrum in order to add coverage and capacity in rural areas.

- **Increase the talent pipeline of candidates trained in digital skills (cloud, digital marketing).** Without a skilled workforce, small businesses cannot thrive. There is a shortage of skilled IT professionals in rural areas to assist small businesses. The private and public sectors should continue to identify opportunities to partner to ensure the skills businesses need in their workforce match the local curricula preparing the American workforce for the 21st century.
- **Increase adoption of digital training and digital tools by rural small businesses so they can scale their operations.** This study highlights two points: the positive benefits for rural small businesses effectively utilizing digital tools to sell online and the potential for businesses currently underutilizing those digital tools to grow. Showcasing existing programs offered by the Small Business Administration and affiliated Small Business Development Centers across the country is a cost-effective way for rural small business owners to increase their digital literacy. Further, as digital tools evolve, increased opportunities for private sector companies to train small business owners on new products will help them start, scale, and compete in a global economy.

By increasing the quality of connectivity, calibrating the skills required by businesses with how we prepare the American workforce, maximizing exposure to digital literacy programs for small business owners, and reducing the cost of competing in an e-commerce ecosystem, small businesses in rural America could realize benefits far greater than they have in the past. Based on the survey conducted for this report, rural small businesses could add over \$84 billion in sales in the next three years and could create another 360,000 jobs in rural areas, where 17.5 million adult residents are either unemployed or no longer actively looking for employment.

Simply, digital tools and technologies are critical to rural small businesses in Maine and across the country. Unlocking the digital potential in rural America is important for American small businesses and critical to future U.S. economic growth. □

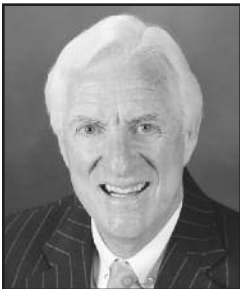
MEET THE MAINE STATE CHAMBER TEAM

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Collectively our staff represents nearly 200 years of experience

The Maine State Chamber has been around for approximately 200 years, and represents Maine businesses, both large and small. Our members cover nearly every sector of our economy, and can be found in every geographic region of our state. Collectively, our members provided tens of thousands of jobs in Maine and contribute significantly to our state's overall economic well-being.

Below is our staff list. Please feel free to reach out to us with questions or if we can help you in any way.



Dana Connors, President

dana.f.connors@mainechamber.org; ext. 103

As president of the state's largest and most diverse business association since 1994, Connors oversees the Chamber's broad range of activities on behalf of its members as well as several affiliates. His leadership has positioned the Chamber to be respected as "the voice of Maine business," providing reasoned **advocacy** efforts, **access** to Maine's Administrative, Legislative and business leaders, and **leadership** ensuring that Maine's employers and businesses are at the table on key issues that impact Maine's ability to grow and prosper.

Connors' vision and ability to build partnerships have been instrumental in the development of numerous programs and initiatives over the years that have and continue to serve our members in a meaningful way.



Peter Gore
Executive Vice President

pgore@mainechamber.org;
ext. 107

Peter is responsible for oversight and management of the Chamber's Advocacy team, policy directives, and government relations. His legislative focus areas include workers' compensation law, labor / management issues, health care / health insurance, economic development, and workforce development.



Ben Gilman
*Senior Government Relations
Specialist & General Counsel*

bgilman@mainechamber.org;
ext. 111

Ben brings to the Chamber a unique combination of experience in environmental and energy lobbying and, since 1995, politics. He also oversees the Maine Economic Research Institute, an affiliate of the Chamber. His legislative focus areas include utilities and energy, natural resources, business regulation issues, and education. Prior to joining the Chamber, he was Director of Government Affairs for the Maine Energy Marketers Association (formerly Maine Oil Dealers).



Linda Caprara
*Senior Government Relations
Specialist (Taxation);
Director of Grassroots Advocacy*

lcaprara@mainechamber.org;
ext. 106

Linda joined the Maine State Chamber in 2008, and fulfills both grassroots and advocacy roles, including coordination of Business Day at the Statehouse and maintaining OneVoice relations with local / regional chambers. She has an extensive background in legislative relations and grassroots organization. Linda's legislative focus areas include taxation and budget.



Megan Sanborn
*Senior Government Relations
Specialist*

msanborn@mainechamber.org;
ext. 108

Megan focuses primarily on education and workforce development issues. She also oversees the Maine Economic Research Institute, an affiliate of the Chamber. Prior to joining the Chamber in, Megan served as Government Relations Specialist at Pierce Atwood, Government Relations and Communications Manager at the Maine Association of Realtors and Communications Director for Secretary of State Charlie Summers.

MEET THE MAINE STATE CHAMBER TEAM

125 Community Drive, Suite 101, Augusta, Maine 04330
tel (207) 623-4568 ♦ fax (207) 622-7723 ♦ www.mainechamber.org

Collectively our staff represents nearly 200 years of experience



Mark Ellis
Membership
Specialist

mellis@maine
chamber.org;
ext. 119

For more than 30 years, Mark helped businesses like Douglas Dynamics, Vermont Yankee Nuclear Power Corp., and Hewlett-Packard add value to their business endeavors through information technology. In the public sector, he has held leadership positions in statewide and national political campaigns, political party operations, and legislative communications.



Scott Samson
Financial
Coordinator

ssamson@maine
chamber.org;
ext. 114

Scott has served as the Financial Coordinator for the Maine State Chamber since 2010, after working on a contract basis since 2003. In addition to his financial duties, Scott is also responsible for state and federal reporting and management of the Chamber's human resources. A graduate of the University of Maine-Augusta with a BA in Accounting, he also received his MBA from the Keller Graduate School.



Simon West
Financial
Assistant

swest@maine
chamber.org;
ext. 117

Simon West joined the Maine State Chamber of Commerce in January 2019. After completing his Bachelor's in finance at the University of Maine Augusta in December 2019, he will begin Thomas College's MBA program. Simon has worked in banking and finance since 2010. Aside from his position with the Maine State Chamber of Commerce, Simon serves as Treasurer for the Pine Grove Program, a non-profit organization aimed at serving Veterans and First Responders.



Angela Morin
Executive
Assistant to the
President

amorin@maine
chamber.org;
ext. 101

As Executive Assistant to the President, Angela's duties tend to vary from day to day. Her main focus includes coordination of all scheduling for the President, social media marketing, planning for Board of Directors meetings and events, management of our membership database, and support for our event planning team.



**Melody
Rousseau**
Sponsorship and
Advertising Sales
Manager

mrousseau@maine
chamber.org;
ext. 102

Melody serves as Sponsorship and Advertising Sales Manager for the Maine State Chamber of Commerce. Among her duties are publication and event program advertising, event sponsorship and exhibit opportunities, assistance with membership renewals, and assistance to Finance Department. She would love to discuss our many advertising opportunities with you!



Angie Arno
Events
Coordinator

aarno@maine
chamber.org;
ext. 104

As an independent marketing consultant and former director of a small chamber, Angie joined our team in March of 2019 with much experience in events and programs management. Her duties include managing all aspects of the Maine State Chamber of Commerce events and programs, as well as managing the Maine Alliance of Chamber of Commerce Executives activities and semi-annual conferences. Additionally, Angie assists with marketing and social media campaigns for all of the Chamber's needs.



Melanie Baillargeon
Director of Communications

melanieb@mainechamber.org; ext. 110

Melanie's responsibilities include oversight and production of all of the Chamber's publications from concept to completion, including the weekly *IMPACT* newsletter and the *Making Maine Work* series. She is also involved in event support and management of web and social media content, as well as media and public relations.

DIGEST OF LEGISLATION THIS SESSION

This Final Summary of the First Regular Session of the 129th Maine Legislature discusses legislative initiatives that impact Maine businesses. Elsewhere, we have discussed some of the bills we believe were most significant to the state's business community. In the following pages, we summarize the wide variety of legislative proposals that the Maine State Chamber tracked this year.

As in past years, we have divided the legislation by principal area: Taxation, Health Care, etc. In each section, our description of enacted legislation is followed by a listing of bills that were enacted, defeated, and carried over.

Entries are in numerical order by their Legislative Document (LD) number. This is the number used throughout the session to refer to a particular bill. Where applicable, the current Public Law (PL), Private and Special Law (P&S), or Resolve (R) number appears in parentheses. Listed at the beginning of the summary of each public law is the name of the bill's sponsor and the committee to which the bill was assigned.

The Maine Legislature adjourned sine die Thursday, June 20, 2019, at 6:25 a.m. In total this session, 530 bills were signed into public law by Governor Mills and there were 107 resolves enacted. Pursuant to the Constitution of Maine, Article IV, Part Third, Section 16, the general effective date for non-emergency laws passed in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019 (90 days following adjournment). Emergency measures are effective when signed by the Governor. In this *Final Summary*, the effective date for emergency legislation is provided in brackets at the end of each write-up.

Please keep in mind that the contents of this newsletter are intended for informational use only and should not be relied upon as legal advice in any sense. All laws and regulations must be applied to each individual situation by experienced legal counsel. □

BOND ISSUES LEGISLATION

BOND ISSUES CARRIED OVER...

LD 148, *An Act To Authorize a General Fund Bond Issue To Recapitalize the School Revolving Renovation Fund and To Give Priority Status to Certain School Facility Upgrades*. (Sen. Millett, D-Cumberland) *Joint Standing Committee on Appropriations and Financial Affairs*. The funds provided by the bond issue in Part A of this bill, in the amount of \$50,000,000, will be used to recapitalize the School Revolving Renovation Fund for the purpose of providing funds to public schools for renovation and capital repairs. Part B of this bill gives upgrades of facilities required to meet prekindergarten facility standards and for prekindergarten capacity building Priority 4 status for loans from the fund to school administrative units for school repair and renovation.

LD 295, *An Act To Authorize a General Fund Bond Issue To Increase Rural Maine's Access to Broadband Internet Service*. (Rep. Berry, D-Bowdoinham) *Joint Standing Committee on Appropriations and Financial Affairs*. The funds provided by this bond issue, in the amount of \$100,000,000, will be used for the provision of broadband Internet service in unserved and underserved areas through ConnectME Authority grants to partnerships

between private, municipal and nongovernmental service providers.

LD 394, *An Act To Authorize a General Fund Bond Issue To Provide for Student Loan Debt Relief*. (Rep. Hobbs, D-Wells) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce*. The funds provided by this bond issue, in the amount of \$50,000,000, will be used to provide funds to the Finance Authority of Maine for zero-interest student loans and loan consolidation or refinancing interest rate reductions for certain Maine residents who agree to live and work in Maine for at least 5 years. The bill creates the Maine Student Loan Debt Relief Program. Under the program, zero-interest loans up to \$10,000 per year for a maximum of 5 years are available to certain Maine residents who study at qualified in-state institutions of higher education and agree to live and work in Maine for at least 5 years following graduation. Loans bearing an annual interest rate of the prime rate of interest plus 2% are available to those who do not live and work in the State upon graduation. The Finance Authority of Maine may provide interest rate reduction payments to residents who use the authority's existing loan consolidation and refinancing program. This option is available to individuals who studied in Maine or outside of Maine and agree to live and work in Maine for at least 5 years. The bill exempts from Maine income tax any benefits received under the program to the extent included in federal adjusted gross income and

prohibits individuals who have received benefits under the program from receiving the Maine educational opportunity tax credit.

LD 469, *An Act To Authorize a General Fund Bond Issue To Provide Funding for Upgrades of Learning Spaces and Other Projects Funded by the School Revolving Renovation Fund*. (Rep. Farnsworth, D-Portland) *Joint Standing Committee on Appropriations and Financial Affairs*. The funds provided by this bond issue, in the amount of \$50,000,000 in fiscal year 2019-20 and \$50,000,000 in fiscal year 2020-21, will be used to provide funds to the School Revolving Renovation Fund for the purpose of providing funds to public schools to upgrade learning spaces in school buildings and make other necessary repairs.

LD 547, *An Act To Authorize a General Fund Bond Issue To Support Maine Aquaculture*. (Sen. Chipman, D-Cumberland) **EMERGENCY** *Joint Standing Committee on Appropriations and Financial Affairs*. The funds provided by this bond issue, in the amount of \$25,000,000, will be used to provide funds to the Gulf of Maine Research Institute to study and promote Maine aquaculture.

LD 602, *An Act To Authorize a General Fund Bond Issue To Support Research and Development in Maine*. (Sen. Dill, D-Penobscot) *Joint Standing Committee on Appropriations and Financial Affairs*. The funds provided by this bond issue, in the amount of \$50,000,000, will be used for-

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Bond Issues...

(Continued from Page 25...)

vestment in research, development and commercialization in the State's 7 targeted technology sectors to be used for infrastructure, equipment and technology upgrades that enable organizations to gain and hold market share, to increase revenues and to expand employment or preserve jobs, including in the biotechnical and biomedical sectors by attracting more research capacity and in the forest products sector by using Maine fiber to reduce carbon emissions. The funds must be awarded through a competitive process to Maine-based public and private entities, leveraging other funds in a one-to-one ratio.

LD 923, *An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings*. (Speaker Gideon, D-Freeport) *Joint Standing Committee on Appropriations and Financial Affairs*. The funds provided by this bond issue, in the amount of \$5,000,000, will be used for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to enhance and restore rivers, streams and fish and wildlife habitats and to allow communities to better prepare for extreme storms and floods.

LD 1836, *An Act To Authorize a General Fund Bond Issue for Infrastructure, Economic Development, Workforce Development and Energy and Environment Investment*. (Sen. Breen, D-Democrat) *Joint Standing Committee on Appropriations and Financial Affairs*. Part A provides a bond issue in the amount of \$105,000,000. Funds in the amount of \$100,000,000 will be used for reconstruction and rehabilitation of highways and bridges and for facilities or equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails, matching an estimated \$137,000,000 per year in federal and other funds. Funds in the amount of \$4,000,000 will be used for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to improve fish and wildlife habitats and to allow communities to better prepare for extreme storms and floods. Funds in the amount of \$1,000,000 will be used to complete the renovation of a wharf and bulkhead at the Gulf of Maine Research Institute in Portland to bring the wharf back into operation for a fishing vessel berthing resource to support marine research at sea, for commercial fishing access and for continued long-term marine job development.

PART B: The funds provided by this bond issue, in the amount of \$50,000,000, will be used to invest in community broadband

infrastructure, economic development and job creation.

PART C: The funds provided by this bond issue, in the amount of \$19,000,000, will be used to invest in Maine Community College training, in child care services, in Maine Army National Guard readiness centers and support facilities and in career and technical education centers.

PART D: The funds provided by this bond issue, in the amount of \$65,000,000, will be used to protect Maine's environment by investing in land conservation, water access, wildlife habitat, outdoor recreation opportunities, including hunting and fishing, farmland and working waterfronts and by supporting environmental clean-up efforts and promotion of renewable energy projects. Funds provided in this Part for the Efficiency Maine Trust, in the amount of \$15,000,000, will be used to purchase solar arrays, high-efficiency ductless heat pumps and high-efficiency modern wood heating systems for buildings and property owned by municipalities and school administrative units and will fund the Municipal Energy Efficiency and Renewable Energy Program under Part E.

PART E: Part E establishes the Municipal Energy Efficiency and Renewable Energy Program within the Efficiency Maine Trust to support municipalities and municipal-

ly authorized citizen committees and school administrative units across the State in reducing energy costs, reducing carbon emissions, facilitating the development of renewable energy resources and creating local jobs related to the building of renewable energy facilities and the installation of energy-efficient equipment. It funds the program with the proceeds of bonds, including bonds issued pursuant to Part D, any other funds allocated by the trust and matching funds from participating municipalities. Part E takes effect only if the bond issue under Part D is approved by the voters of the State.

BUDGET AND FINANCE LEGISLATION

BUDGET AND FINANCE ENACTED...

LD 1000 (PL 4), *An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2019*. (Rep. Gattine, D-Westbrook, Governor's Bill) **EMERGENCY Joint**

Continued on Page 27...



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Budget/Finance... (Continued from Page 26...)

Standing Committee on Appropriations and Financial Affairs. Part A makes appropriations and allocations. Part B repeals the limited lifetime maximum coverage and reimbursement of 24 months under the MaineCare program for buprenorphine and naloxone combination drugs for the treatment of addiction. Part C repeals the limited lifetime maximum reimbursement of 24 months under the MaineCare program for methadone for the treatment of addiction. Part D repeals the laws governing the former Downeast Correctional Facility and establishes a Department of Corrections prerelease center in Washington County. Part E transfers the remaining funds in the cost recovery fund of the Public Utilities Commission to the unappropriated surplus of the General Fund in fiscal year 2018-19. Part F requires the State Controller to transfer any remaining balance specifically related to federal supplemental nutrition assistance program overpayments in the Food Supplement Administration program, Federal Expenditures Fund to the Food Supplement Administration program, Other Special Revenue Funds. Part G imposes an additional assessment on electric utility entities for fiscal year 2018-19 to provide funding to the Office of the Public Advocate in order to fund the costs of representing ratepayers in rate cases.

LD 1001 (PL 343), *An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021.* (Rep. Gattine, D-Westbrook, Governor's Bill) **EMERGENCY** *Joint Standing Committee on Appropriations and Financial Affairs.* This bill is a concept draft pursuant to Joint Rule 208. This bill as emergency legislation proposes to make unified appropriations and allocations for the expenditures of State Government, General Fund and other funds and change certain provisions of the law necessary to the proper operations of State Government for the fiscal years ending June 30, 2019, June 30, 2020 and June 30, 2021, as submitted by the Governor pursuant to the Maine Revised Statutes, Title 5. The documents submitted by the Governor may be found here: <https://legislature.maine.gov/ros/9635>.

LD 1002 (PL 415), *An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal*

Years Ending June 30, 2019, June 30, 2020 and June 30, 2021. (Rep. McLean, D-Gorham, Governor's Bill) **EMERGENCY** *Joint Standing Committee on Appropriations and Financial Affairs.* This bill is a concept draft pursuant to Joint Rule 208. This bill as emergency legislation proposes to make unified appropriations and allocations for the expenditures of State Government, Highway Fund and other funds and change certain provisions of the law necessary to the proper operations of State Government for the fiscal years ending June 30, 2019, June 30, 2020 and June 30, 2021, as submitted by the Governor pursuant to the Maine Revised Statutes, Title 5. The documents submitted by the Governor may be found here: <https://legislature.maine.gov/ros/9634>.

BUSINESS REGULATION LEGISLATION

BUSINESS REGULATION ENACTED...

LD 847 (PL 516), *An Act To Ensure Persons with Disabilities Have Access to Public Rest Rooms.* (Rep. Riley, D-Jay) *Joint Standing Committee on Judiciary.* This law provides that after January 1, 2020, new construction of public buildings must include single-occupancy toilet facilities that meet the accessibility requirements established in the Maine Human Rights Act, if the new construction has a maximum occupant capacity exceeding 100 individuals. For example, after January 1, 2020, a restaurant that seats at least 101 individuals is subject to the single-occupancy toilet facilities requirement.

BUSINESS REGULATION DEFEATED...

LD 1087, *An Act To Keep Maine Businesses Competitive.* (Sen. Hamper, R-Oxford) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.*

LD 1112, *An Act To Provide Employee Vaccination Compensation.* (Rep. Fecteau, R-Augusta) *Joint Standing Committee on Labor and Housing.*

ECONOMIC DEVELOPMENT LEGISLATION

ECONOMIC DEVELOPMENT ENACTED...

LD 1830 (PL 383), *An Act Establishing the Office of Policy Innovation and the Future.* (Rep. Martin, D-Eagle Lake, Governor's Bill) *Joint Standing Committee on State and Local Government.* This law eliminates the

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Governor's Office of Policy and Management and establishes the Office of Policy Innovation and the Future to support the creation of a coherent system of policy planning and coordinated implementation as one function and responsibility of the executive branch of State Government, serve as a research, advisory, consultative, coordinating and administrative agency and advance policies that support a sustainable future for Maine's people, communities, natural resources, physical infrastructure, industries, businesses and institutions.

ECONOMIC DEVELOPMENT

DEFEATED...

LD 50, *An Act to Implement the Recommendations of the Government Oversight Committee to Improve the Long Range Strategic Plan for Economic Improvement in the State.* (Rep. Mastraccio, D-Sanford) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.*

ECONOMIC DEVELOPMENT CARRIED OVER...

LD 814, *An Act To Strengthen Maine's Economy through Research and Innovation led by the University of Maine System.* (Sen. Herbig, D-Waldo) *Joint Standing Committee*

Continued on Page 28...

Economic Development... (Continued from Page 27...)

on *Education and Cultural Affairs*. This bill is a concept draft pursuant to Joint Rule 208. This bill would provide funding and enact measures based on recommendations of the President of the University of Maine at Machias in a strategic plan chartered by the Chancellor of the University of Maine System and due to the Board of Trustees of the University of Maine System in March 2019. The bill would strengthen research and economic development efforts across the University of Maine System to support Maine industries and workforce development and to foster business formation and expansion, specifically in the 7 research and development sectors designated in statute: advanced technology for agriculture and forestry; aquaculture and marine technology; biotechnology; composite materials technology; environmental technology; information technology; and precision manufacturing technology.

LD 859, An Act To Authorize a General Fund Bond Issue To Fund Equipment for Career and Technical Education Centers and Regions. (Rep. R. Fecteau, D-Biddeford) *Joint Standing Committee on Education and Cultural Affairs*. The funds provided by this bond issue, in the amount of \$40,000,000, will be used to provide funds to make capital improvements to and purchase equipment for career and technical education centers and regions for high school students.

LD 860, An Act To Establish the Maine Community College System No-cost Tuition Program. (Rep. Brennan, D-Portland) *Joint Standing Committee on Education and Cultural Affairs*. This bill establishes the Maine Community College System No-cost Tuition Program. Under the program, Maine residents who are determined to be eligible students and who are enrolled in an eligible course of study at a college within the Maine Community College System are eligible for a grant to cover the cost of tuition and mandatory fees, less any federal financial aid or other financial assistance that the student receives that is not required to be repaid. The Maine Community College System must include in its biennial budget for presentation to the Governor and the Legislature the estimated full funding for the Maine Community College System No-cost Tuition Program.

EDUCATION LEGISLATION

EDUCATION ENACTED...

LD 92 (PL 27), An Act To Amend Teacher Evaluation Requirements. (Rep. McCrea, D-Fort Fairfield) *Joint Standing Committee on Education and Cultural Affairs*. This law clarifies that a school administrative unit is not required to use student growth measures in educator evaluation requirements and provides that the effective date of the provisions in the law that remove the requirement regarding student growth and learning systems is September 1, 2021. This law also requires that a school administrative unit's steering committee on the elements of the school administrative unit's performance evaluation and professional growth system must include a majority of teachers chosen by the school administrative unit's local union and that any revisions to the performance evaluation and professional growth system made by the steering committee must be reached by consensus. The bill also requires the Department of Education to submit a provisionally adopted rule to the Legislature by January 10, 2020.

LD 103 (PL 157), An Act To Ensure the Integrity of For-profit Colleges. (Sen. Vitelli,

D-Sagadahoc) *Joint Standing Committee on Education and Cultural Affairs*. This law requires the Commissioner of Education, to review a for-profit college or university and adds a requirement that student support services, including the process by which student complaints are handled, be reviewed by the Commissioner of Education to determine whether adequate educational standards are being met by a for-profit college or university. **LD 307 (PL 307), An Act To Limit the Number of Charter Schools in Maine.** (Rep. Brennan, D-Portland) *Joint Standing Committee on Education and Cultural Affairs*. Under current law, the number of public charter schools approved by the Maine Charter School Commission that may operate at any time is capped at 10 until July 1, 2022. This law makes that cap permanent, regardless of whether the public charter school is authorized by the commission or by local school boards or collaboratives of local school boards. This new law also directs the Maine Charter School Commission to develop a process for the revocation or nonrenewal of a public charter school's charter for public charter schools that are not meeting required performance framework provisions and report to the Joint Standing Committee on Education and Cultural Affairs, no later than January 1,

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Education...

(Continued from Page 28...)

2020, on the recommended process and submit any suggested legislation to implement the process to revoke or not renew a public charter school's charter.

LD 345 (PL 132), *An Act To Help New Teachers Succeed*. (Rep. McCrea, D-Fort Fairfield) *Joint Standing Committee on Education and Cultural Affairs*. This law requires that, beginning with teachers hired for the 2020-2021 school year, the probationary period may not exceed 2 years and requires the superintendent to evaluate probationary teachers during, without limitation, each year of their employment as probationary teachers and that, beginning with teachers hired for the 2020-2021 school year.

LD 406 (PL 70), *An Act To Establish Regional School Leadership Academies*. (Rep. Kornfield, D-Bangor) *Joint Standing Committee on Education and Cultural Affairs*. This new law allows school administrative units to enter into collaborative agreements to establish regional school leadership academies that combine state and local programs and resources, including the preparation, licensure, certification, professional development and training for educational leadership, into a coherent system that can significantly improve the recruitment and preparation of prospective candidates for school principalship and other school leadership positions, as well as the induction, mentoring and retention of principals and school leaders during the first 2 years of employment in their school leadership positions. The law clarifies that regional school leadership academy programs are for teachers, principals and other school leaders. The new law also repeals provisions in current law regarding regional school leadership academies.

LD 412 (PL 213), *An Act To Restore System Administration Allocations in Maine School Administrative Units to the Level Prescribed for Fiscal Year 2017-18*. (Rep. McCrea, D-Fort Fairfield) *Joint Standing Committee on Education and Cultural Affairs*. Current law requires that, beginning in fiscal year 2018-19, a portion of the system administration allocation must be allocated to school administrative units that have established regionalized administrative services. This law instead establishes the system administration allocation at \$135 per pupil until 2020-21.

LD 513 (PL 253), *An Act To Limit the Number of Students and Prevent the Addition of Grade Levels at Virtual Public Charter Schools*. (Rep. Brennan, D-Portland) *Joint Standing Committee on Education and Cultural Affairs*. This law limits total enrollment at all virtual public charter schools authorized by the Maine Charter School Commission to 1,000 students.

LD 576 (R 25), *Resolve, Directing the Department of Education To Develop and Implement an Online Learning Platform for Students and Educators*. (Rep. Brennan, D-Portland) *Joint Standing Committee on Education and Cultural Affairs*. This resolve directs the Department of Education to study and develop an online platform to facilitate the provision of online, virtual instruction by state-certified teachers to students in every public school in the State and the provision of a variety of high-quality professional development opportunities to educators across the State. It directs the department to report to the Joint Standing Committee on Education and Cultural Affairs by January 1, 2020 on the progress, obstacles, the expected costs and a strategy for implementation of the online platform. to the development and implementation of the online platform.

LD 577 (PL 428), *An Act To Increase Access to Nutritious Foods in Schools by Implementing an After-school Food Program for At-risk Students*. (Rep. Brennan, D-Portland) **EMERGENCY** *Joint Standing Committee on Education and Cultural Affairs*. This law requires the participation in the federal child and adult care food program to serve at-risk students who attend after-school programming by school administrative units that choose to operate the program and have at least one public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year.

LD 985 (PL 202), *An Act To Maintain High School Diploma Standards by Repealing Proficiency-based Diploma Standards*. (Rep. Fecteau, R-Augusta) *Joint Standing Committee on Education and Cultural Affairs*. This law establishes as fundamental policies of the diploma standards that a diploma indicating graduation from a secondary school signifies that the graduate has completed high school diploma requirements and is ready to enter a postsecondary educational program or a career as a clear and effective communicator, a self-directed and lifelong learner, a creative and practical problem solver, a responsible and involved citizen and an informed and integrative thinker; that school administrative units must align their instruction with the system of learning results; and that school administrative units are encouraged to develop innovative multiple pathways that allow all students to learn and demonstrate their achievement through multiple means and measures.

LD 995 (PL 431), *An Act To Establish a Student Loan Bill of Rights To License and Regulate Student Loan Servicers*. (Sen. Vitelli, D-Sagadahoc) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce*. This law creates an ombudsman position to review complaints and provide borrowers assistance as well as submit an annual report to the Legislature so



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that policymakers have better information about student debt. It also requires non-governmental lenders to be licensed and not commit prohibited predatory acts.

LD 997 (PL 481), *An Act To Promote Social and Emotional Learning and Development for Young Children*. (Sen. Breen, D-Cumberland) *Joint Standing Committee on Education and Cultural Affairs*. This law requires implementation of a statewide Early Childhood Consultation program, in which early childhood mental health professionals work with teachers, providers, and parents to promote appropriate social and emotional development and manage challenging behaviors in children to help them be more successful in the classroom.

LD 1216 (PL 434), *An Act To Support Community Schools*. (Sen. Millett, D-Cumberland) *Joint Standing Committee on Education and Cultural Affairs*. This law makes the Department of Education's community school pilot project permanent. The department is authorized to designate 5 community schools in the 2020-2021 school year and 10 additional schools biannually beginning in the 2021-2022 school year. The Commissioner of Education is required to apply for available federal funds in support of community school implementation and expansion.

LD 1283 (R 65), *Resolve, To Advance College Affordability by Convening a Task*

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Education...

(Continued from Page 29...)

Force To Recommend a Sustainable Funding Model for Maintaining Maine's Public Higher Education Infrastructure. (Rep. Jorgensen, D-Portland) **EMERGENCY Joint Standing Committee on Education and Cultural Affairs.** This resolve directs the Chancellor of the University of Maine System to convene a task force, to study and recommend models for long-term prioritizing and funding public higher education infrastructure improvements, further enabling the submission of legislation in the Second Session. The task force will include the leaders of the MCCA and MMA, as well as the Finance Authority of Maine, the Maine Department of Education, and the State's Bureau of General Services and may also make recommendations around policy to support other investment models, including public-private partnerships. [06/12/2019]

LD 1341 (PL 219), An Act To Provide Flexibility for Efficient and Effective Management of School Management and Leadership Centers. (Rep. Kornfield, D-Bangor) *Joint Standing Committee on Education and Cultural Affairs.* This law amends current law, regarding school management and leadership centers, and related laws to change the term "school management and leadership center" to the term "education service centers." It amends the law governing the geographic boundaries of centers to remove the requirement that the Commissioner of Education must determine 9 to 12 geographic areas for the establishment of centers with the requirement that the commissioner must determine the geographic areas for the establishment of centers. It also amends the law governing school management and leadership centers to allow a center to contract for leadership services and hire a fiscal agent. It changes the law allowing a center to borrow funds by removing language requiring debts to be repaid within one year and limiting amounts borrowed to 3/4 of a center's annual approved budget. It amends the law governing the withdrawal of a member school administrative unit from a center to replace the requirement that the member school administrative unit must demonstrate there will be no increases in costs or decrease in student programs or services with the requirement that the member school administrative unit must demonstrate that the withdrawal is in the best interests of the withdrawing school administrative unit and of any of the remaining member school administrative units. It amends the law governing dissolution of centers to replace the requirement that member school administrative units must demonstrate to the Commissioner of Education that there will be no increase in costs or decrease in student

programs and services for any of the member school administrative units of a center with the requirement that the school administrative units must demonstrate that it is in the best interests of the member school administrative units to dissolve the center. It amends the law governing application for and approval of a center to replace voter approval with school board approval. It amends the law governing state funding of a center and caps the direct state funding for the provider of leadership services or the executive director to 55% of the statewide average superintendent's salary and benefits using the most recent data available.

LD 1382 (R 78), An Act To Establish Computer Science Courses and Content in Kindergarten to Grade 12 Schools. (Rep. Pierce, D-Falmouth) *Joint Standing Committee on Education and Cultural Affairs.* This resolve directs the Department of Education to study and develop a plan for implementing computer science instruction in schools and submit a report to the Joint Standing Committee on Education and Cultural Affairs that includes an overview of how computer science courses and curricula are being implemented in schools in the State; a state plan for instruction in computer science in public preschool to grade 12, including the development of standards and clarification on how instruction in computer science may be applied toward graduation requirements, that provides equitable access to computer science instruction across the State and provides for instruction in computer science in all high schools by 2022 and in all grades by 2025; a professional development plan for educators that includes training in computer science and a component that includes peer-to-peer training in computer science; and an estimate of the funding levels necessary to implement the plans set out in the report.

LD 1478 (R 101), Resolve, Regarding Legislative Review of Portions of Chapter 115: The Credentialing of Education Personnel, a Late-filed Major Substantive Rule of the Department of Education. (Rep. Kornfield, D-Bangor) **EMERGENCY Joint Standing Committee on Education and Cultural Affairs.** This resolve provides for legislative review of portions of Chapter 115: The Credentialing of Education Personnel, a major substantive rule of the Department of Education that was filed outside the legislative rule acceptance period. The resolve also requires the Department of Education to submit annual reports to the Joint Standing Committee on Education and Cultural Affairs by March 1st of the next 3 years on the progress toward implementation of transitioning the grade span for the elementary endorsement from kindergarten to grade 8 to kindergarten to grade 6.

LD 1538 (R 52), An Act Regarding Compensation Equity for Positions in the Maine Community College System. (Rep. Daughtry, D-Brunswick) *Joint Standing Committee on Education and Cultural Affairs.* This resolve

directs the Public Higher Education Systems Coordinating Committee to study the use of adjunct professors across the State, and examine the equity of pay rates and pay scales across the University of Maine System, the Maine Community College System and each campus of those systems. The study must include an examination of market forces on pay rates and pay scales, how each system's pay rates and pay scales compare nationally and what changes would be necessary to implement a so-called living wage. The Public Higher Education Systems Coordinating Committee is directed to report to the Joint Standing Committee on Education and Cultural Affairs no later than January 2, 2020 on the results of the study, including, but not limited to, the issues raised, best practices for compensation equity, recommendations and any suggested legislation. The Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 129th Legislature related to the report.

LD 1778 (PL 450), An Act To Amend the Laws Concerning the Children's Cabinet and Its Advisory Councils. (Sen. Millett, D-Cumberland) *Joint Standing Committee on Education and Cultural Affairs.* This law:

1. Amends certain provisions governing the Children's Cabinet;
2. Eliminates the Maine Children's Growth Council;
3. Eliminates the Child Care Advisory Council; and,
4. Establishes the Maine Children's Cabinet Early Childhood Advisory Council to develop and evaluate under the direction of the Children's Cabinet a plan for the healthy development of the State's young children and their families.

This new law also requires the council to submit its annual report to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and health and human services matters in addition to the Children's Cabinet.

LD 1785 (PL 398), An Act To Amend Certain Education Laws. (Rep. Kornfield, D-Orono) *Joint Standing Committee on Education and Cultural Affairs.* This bill makes the following changes to the education laws.

1. It amends a provision of current law relating to a central information system on resources for people with disabilities.
2. It repeals a provision of current law relating to hazardous chemicals in schools.
3. It repeals provisions of current law relating to school construction projects approved by the State Board of Education prior to July 1, 1977.
4. It replaces the term "limited English proficiency student" with the term "English learner."
5. It repeals a provision of current law relating to Alcohol Awareness Day.

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6. It authorizes a school board to provide school nurse services through an agreement with an individual registered professional nurse.
7. It removes the limitation on the total cost of the components of essential programs and services.
8. It changes the amount of the adjustment for economically disadvantaged students.
9. It removes a requirement that school construction project plans and specifications must be approved by certain state entities.
10. It removes the Department of Administrative and Financial Services, Bureau of General Services from the requirement to perform certain activities relating to school construction projects.
11. It includes psychometrically valid English language proficiency screening for potential English learners in the screening that local units may develop.
12. It removes a reference to Maine Merchant Marine Day in the powers and duties of the State Board of Education.
13. It amends the powers and duties of a cooperative board for a career and technical education region.

14. It amends current laws governing elementary and secondary tuition students.
15. It adds a definition of "rural school administrative unit" for purposes of allocating federal funds under the federal Every Student Succeeds Act.
16. It increases from 90 days to 150 days the period of time in which a charter school authorizer must submit an annual report.

EDUCATION DEFEATED...

LD 14, *An Act To Improve Science and Engineering Education for Maine's Students.* (Rep. Devin, D-Newcastle) *Joint Standing Committee on Education and Cultural Affairs.*

LD 29, *Resolve, To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State by Establishing a Work Group To Develop Educational Programming for Prevention of Substance Use and Substance Use Disorders among Youth and Adolescents.* (Rep. McCreight, D-Harpswell) *Joint Standing Committee on Education and Cultural Affairs.*

LD 161, *An Act To Increase Access to Career and Technical Education.* (Sen. Woodsome, R-York) *Joint Standing Committee on Education and Cultural Affairs.*

LD 183, *An Act To Increase the Number of Teachers in Maine.* (Rep. Pierce, D-Falmouth) *Joint Standing Committee on Education and Cultural Affairs.*

LD 210, *An Act To Increase Technology and Engineering Education for Grades 7 to 12.* (Rep. Ordway, R-Standish) *Joint Standing Committee on Education and Cultural Affairs.*

LD 259, *An Act To Require the State To Meet the Mandatory 55 Percent Contribution to Schools.* (Sen. Miramont, D-Knox) *Joint Standing Committee on Education and Cultural Affairs.*

LD 318, *An Act To Prepare All Students for Work and Life by Requiring That Students Receive Instruction in Vocational Preparation and Practical Life Skills.* (Rep. Keschl, R-Belgrade) *Joint Standing Committee on Education and Cultural Affairs.*

LD 358, *An Act To Fully Fund Career and Technical Education for Fiscal Year 2018-19.* (Sen. Woodsome, R-York) *Joint Standing Committee on Education and Cultural Affairs.*

LD 385, *An Act To Base School Funding on the Number of Students Sent by a Town to a Regional School Unit.* (Rep. Ackley, D-Monmouth) *Joint Standing Committee on Education and Cultural Affairs.*

LD 405, *An Act To Increase the Statewide Minimum Salary for Teachers.* (Rep. Kornfield, D-Bangor) *Joint Standing Committee on Education and Cultural Affairs.*

LD 419, *An Act To Require a Minimum Salary of \$50,000 for Public School Teachers.* (Rep. Collings, D-Portland) *Joint Standing*

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Committee on Education and Cultural Affairs.

LD 438, *An Act To Allow the Creation of New Innovative School Models by Removing the Cap on the Number of Authorized Charter Schools.* (Sen. Pouliot, R-Kennebec) Joint Standing Committee on Education and Cultural Affairs.

LD 461, *An Act To Improve the Affordability of Higher Education.* (Rep. Daughtry, D-Brunswick) Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.

LD 468, *An Act To Require That the State Fund on an Ongoing Basis a Minimum of 50 Percent of the Costs Associated with Public Preschool Programs.* (Rep. Farnsworth, D-Portland) Joint Standing Committee on Education and Cultural Affairs.

LD 484, *Resolve, To Establish a Maine State High School Diploma.* (Sen. Pouliot, R-Kennebec) Joint Standing Committee on Education and Cultural Affairs.

LD 504, *An Act To Enhance the Development of Innovative Career and Technical Education Programs.* (Rep. Higgins, R-Dover-Foxcroft) Joint Standing Committee on Education and Cultural Affairs.

LD 549, *An Act To Promote Academic Achievement through Hunger Relief for Maine Children.* (Sen. Breen, D-Cumberland) Joint Standing Committee on Education and Cultural Affairs.

LD 587, *An Act To Require Career Options Education for High School Students.* (Rep. Crockett, D-Portland) Joint Standing Committee on Education and Cultural Affairs.

LD 605, *An Act To Improve Antihunger Programs in Maine Schools.* (Sen. Moore, R-Calais) Joint Standing Committee on Education and Cultural Affairs.

LD 624, *An Act To Facilitate the Purchase of Textbooks for Low-income College Students.* (Rep. Daughtry, D-Brunswick) Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.

LD 632, *An Act To Promote Free, Appropriate Public Education.* (Rep. Warren, D-Hallowell) Joint Standing Committee on Education and Cultural Affairs.

LD 672, *An Act To Allow Local Flexibility in Teacher Assignment To Enhance Student Achievement.* (Rep. Stearns, R-Guildford) Joint Standing Committee on Education and Cultural Affairs.

LD 685, *An Act To Amend the Laws Governing the Maine School for Marine Science, Technology, Transportation and Engineering.* (Rep. Cuddy, D-Winterport) Joint Standing Committee on Education and Cultural Affairs.

LD 718, *An Act To Increase Funding for Adult Basic Literacy, Workplace Education and College Preparedness.* (Rep. Talbot Ross, D-Portland) Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.

LD 813, *Resolve, To Encourage Relocation of Working Professional.* (Sen. Chenette, D-York) Joint Standing Committee on Education and Cultural Affairs.

LD 872, *An Act To Forgive Education Debt for Certain Health Care Professionals Who Work in the State.* (Rep. Mastraccio, D-Sanford) Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.

LD 1046, *An Act To Authorize the Department of Education To Provide Flexibility in the Required Credentials for Teachers in Career and Technical Programs.* (Sen. Woodsome, R-York) Joint Standing Committee on Education and Cultural Affairs.

LD 1170, *An Act To Raise the Floor of State Education Funding.* (Sen. Lawrence, D-York) Joint Standing Committee on An Act To Raise the Floor of State Education Funding.

LD 1174, *An Act To Facilitate Remote Learning during School Cancellations.* (Sen. Miramant, D-Knox) Joint Standing Committee on Education and Cultural Affairs.

LD 1267, *An Act To Allow the Awarding of Graduation Credits by Career and Technical Education Centers and Regions.* (Sen.

Pouliot, R-Kennebec) Joint Standing Committee on Education and Cultural Affairs.

LD 1344, *An Act To Improve Nutrition in Maine Schools.* (Rep. Daughtry, D-Brunswick) Joint Standing Committee on Education and Cultural Affairs.

LD 1347, *An Act To Promote High-quality After-school Programs in Public Schools.* (Rep. Beebe-Center, D-Rockland) Joint Standing Committee on Education and Cultural Affairs.

LD 1368, *An Act To Require Postsecondary Institutions To Meet the Expected Family Contribution without Additional Loan Burdens for Students.* (Rep. Crockett, D-Portland) Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.

LD 1369, *An Act To Create an Additional Pathway To Certify Industrial Arts Teachers To Foster Career and Technical Subjects in Maine Schools.* (Rep. Wadsworth, R-Oxford) Joint Standing Committee on Education and Cultural Affairs.

LD 1428, *An Act To Require the State To Fund 50 Percent of Public Preschool Programs.* (Sen. Millett, D-Cumberland) Joint Standing Committee on Education and Cultural Affairs.

LD 1445, *An Act To Provide Debt-free Educational Opportunities for Maine Residents.* (Rep. Brooks, D-Lewisotn) Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.

EDUCATION HELD BY GOVERNOR...

LD 240, *An Act To Allow Public Employers of Teachers to Negotiate Regarding Educational Policies.* (Rep. Sylvester, D-Portland) Joint Standing Committee on Labor and Housing. This bill allows, but does not require, public employers of teachers to negotiate with respect to educational policies.

LD 866, *Act To Support College Completion by Homeless Youth in Maine.* (Rep. Brennan, D-Portland) Joint Standing Committee on Education and Cultural Affairs. This bill requires institutions of higher education in the State to designate an existing staff member to serve as a liaison for homeless youth who are enrolled in that institution of higher education. The bill also requires institutions of higher education to give homeless youth priority for on-campus housing, develop a plan to provide homeless youth housing during school breaks and allow homeless youth who are enrolled part-time to access on-campus housing during the homeless youth's first year of school. The bill also expands the tuition waiver for state postsecondary educational institutions to include tuition waivers for homeless youth.

LD 1036, *Resolve, Establishing a Task Force To Study the Creation of a Comprehensive Career and Technical Education System To Support Workforce Development.* (Rep. Higgins, R-Dover-Foxcroft) **EMERGENCY** Joint Standing Committee on Education and Cultural Affairs. This resolve establishes the

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Task Force To Study the Creation of a Comprehensive Career and Technical Education System to examine the feasibility of establishing a comprehensive 4-year high school career and technical education program to provide a technical high school setting for middle school students to attend at the completion of the 8th grade.

EDUCATION CARRIED OVER...

LD 149, An Act To Authorize a General Fund Bond Issue To Provide Student Debt Forgiveness To Support Workforce Attraction and Retention. (Sen. Libby, D-Androscoggin) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.* 1. Requires a General Fund bond obligation in the amount of \$250,000,000 for a program administered by the Finance Authority of Maine to provide funds for payment of student loan debt for individuals who agree to live and work in Maine for 5 years and to reimburse employers that make student loan debt payments on behalf of their employees who agree to live and work in Maine for 5 years; and 2. Establishes the Maine Student Loan Debt Relief Program and the Maine Student Loan Debt Relief Fund and requires the Finance Authority of Maine to adopt major substantive rules to implement the program and submit the rules to the Second Regular Session of the 129th Legislature

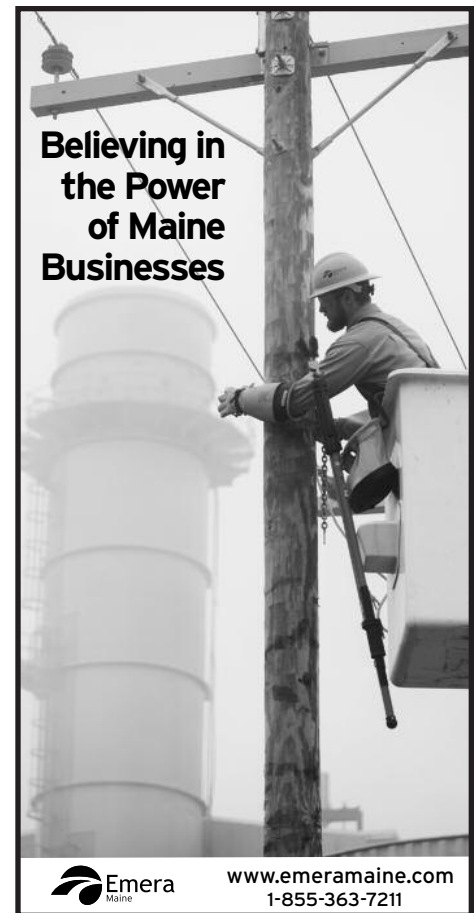
LD 359, An Act To Address Student Hunger with a "Breakfast after the Bell" Program. (Sen. Moore, R-Washington) *Joint Standing Committee on Education and Cultural Affairs.* This bill requires a school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year to operate an alternative breakfast delivery service that provides breakfast after the start of the school day for students at that public school. It also provides a process for a school administrative unit to opt out of the alternative breakfast delivery service. This bill requires the Department of Education to adopt rules to develop an application process and to adopt standards to address evaluation criteria based on need for funding assistance for alternative breakfast delivery services in school administrative units. It also requires the department to develop a means to track health and academic outcomes of students and schools that participate in alternative breakfast delivery services.

LD 427, An Act To Require the State To Fund Teacher Retirement. (Rep. Brennan, D-Portland) *Joint Standing Committee on Education and Cultural Affairs.* This bill changes the method for funding teacher retire-


ment costs. It repeals those provisions of law enacted pursuant to Public Law 2013, chapter 368 that require school administrative units and private schools to pay a portion of the costs for teacher retirement.

LD 502, An Act To Establish the Summer Success Program Fund. (Rep. Pierce, D-Falmouth) *Joint Standing Committee on Education and Cultural Affairs.* This bill establishes the Summer Success Program Fund, a dedicated fund to be directed and administered by the Commissioner of Education and held by the Treasurer of State, to encourage the facilitation of high-quality summer success programs in school administrative units throughout the State. The bill accomplishes the following.

1. It provides that money paid into the fund may include General Fund appropriations, as well as grants, gifts and other money from any unit of federal, state or local government or from any person, firm, partnership or corporation for deposit to the fund, money received from a social impact bond and interest, dividends and other pecuniary gains. It requires that school administrative units ensure that grants provided from the fund for expanding access to summer success programs supplement and not supplant federal funding.
2. It requires the commissioner to administer the fund within the Department of Education and to establish standards and approval for the allocation and use of fund-money for summer success programs offered at elementary and secondary schools in the State. It also allows the commissioner to include the following in the standards:
 - A. Guidelines similar to the federal 21st Century Community Learning Centers program to close the achievement gap between high-performing and low-performing students;
 - B. Effective models of summer success programs that involve networking and partnerships with community-based organizations that provide a range of high-quality services to support student learning and development; and
 - C. Implementation of the formative and summative assessment methods to measure student achievement in order to monitor the progress of students participating in summer success programs.
3. It provides that, beginning in fiscal year 2020-21, the department is required to provide grant funding, through a grant application process, to cover 90% of the costs of summer success programs in school administrative units with greater than 50% student participation in the federal free and reduced-price lunch program.
4. It adds the fund to the enhancing student performance and opportunity provisions of



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the Essential Programs and Services Funding Act. 5. It requires the commissioner to submit a report to the Joint Standing Committee on Education and Cultural Affairs by December 15, 2019 that outlines the proposed rules to implement the fund by the 2020-2021 school year.

LD 509, An Act To Increase the Minimum Grant Amount under the Maine State Grant Program. (Rep. Pierce, D-Falmouth) *Joint Standing Committee on Education and Cultural Affairs.* This bill provides that the minimum grant amount under the Maine State Grant Program may not be less than \$2,500 if sufficient funds are appropriated for this purpose, subject to the current grant amount modifications under the program.

LD 512, Resolve, To Create the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services. (Rep. Farnsworth, D-Portland) *EMERGENCY Joint Standing Committee on Education and Cultural Affairs.* This resolve establishes the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services to examine the national trends and relevant models of governing and delivering early childhood special education systems and the short-term and long-term costs and benefits to the Department

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of Education's proposed plan to restructure the Child Development Services System and to make recommendations for an early childhood special education services program plan.

LD 647, An Act To Attract, Educate and Retain New State Residents To Strengthen the Workforce. (Rep. Cloutier, D-Lewiston) *Joint Standing Committee on Education and Cultural Affairs*. This bill creates various programs to provide education, services and training for the State's workforce immigrant populations in the following ways:

1. It establishes the Welcome Center Initiative to operate welcome centers in adult education programs to provide education, services and training for foreign-trained workers in municipalities or regions of the State that have immigrant populations or that have industries that are experiencing a shortage of trained workers, patterned after the New Mainers Resource Center operated by the City of Portland adult education program through a pilot program created by the 126th Legislature. The bill provides funds for grants for proposed welcome centers.
2. It directs the Department of Education's office of adult education and family literacy to: A. Administer a vocation-specific English language acquisition and workforce training program for immigrants in the State and establish a statewide competitive grant process to carry out the purposes of the program; B. Establish and implement a local community planning support program to provide a planning process for communities to provide English language acquisition and training in vocational skills, identify employers or areas that would benefit from immigrant residency or employment and cultivate community support to integrate immigrants into the communities and local workforce. The office must establish a grant process to carry out the purposes of the program; and C. Develop and implement a grant process to award grants to adult education programs to increase English language acquisition instruction. The bill provides funding for the vocation-specific English language acquisition and workforce training program, the local community planning support program and grants to increase English language acquisition instruction; and,
3. It directs the Department of Education to establish a welcome center under the Welcome Center Initiative within the City of Lewiston's adult education program to attract, educate and retain in

employment foreign-trained workers, patterned after the New Mainers Resource Center in Portland, and provides funding for that purpose. It also provides ongoing funding for the New Mainers Resource Center in Portland.

LD 703, An Act To Help Maine Students Succeed. (Sen. Millett, D-Cumberland) *Joint Standing Committee on Education and Cultural Affairs*. This bill is a concept draft.

LD 712, An Act To Fully Fund After-school and Preschool Programs in the School Funding Formula, Increase the Economically Disadvantaged Student Factor in the School Funding Formula and Increase the School Construction Debt Service Limit. (Rep. Brennan, D-Portland) *Joint Standing Committee on Education and Cultural Affairs*. This bill amends the school funding formula to fund after-school programs based on the state share percentage and to fund public preschool programs at 50% of the cost of the programs, or if a school administrative unit's state share percentage is greater than 50%, to fund the unit's public preschool program at the state share percentage. The bill also increases the additional weight for economically disadvantaged students from 0.15 to 1.5. The bill also raises the maximum debt service limit for school construction projects from \$126,000,000 to \$150,000,000 beginning in 2020.

LD 772, An Act To Encourage Continued Learning. (Rep. Daughtry, D-Brunswick) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce*. This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to encourage continued learning by Maine residents, including, but not limited to, creating incentives and implementing strategies to enable so-called stranded learners who have some college credit but no degree to complete degree and certificate programs and graduate from college.

LD 791, An Act To Provide School Districts with Full State Funding for Students with High-cost Special Education Needs. (Sen. Miramant, D-Knox) *Joint Standing Committee on Education and Cultural Affairs*. This bill requires the State, beginning July 1, 2020, to provide a school administrative unit 100% of the funding needed for high-cost special education students.

LD 882, Resolve, To Require the Examination of the System of Learning Results. (Rep. Sampson, R-Alfred) *Joint Standing Committee on Education and Cultural Affairs*. This resolve directs the Department of Education to convene a working group to study the system of learning results and to submit a report by December 4, 2019 to the Joint Standing Committee on Education and Cultural Affairs, which may submit legislation to the Second Regular Session of the 129th Legislature.

LD 1584, An Act To Attract, Build and Retain an Early Childhood Education Workforce through Increased Training, Education and Career Pathways. (Rep. Fecteau, D-Biddeford) *Joint Standing Committee on Education and Cultural Affairs*. This bill requires the Commissioner of Health and Human Services, the Commissioner of Education and the Commissioner of Labor jointly to develop and implement an early childhood educators workforce support program to recruit and retain early childhood educators working with children up to 5 years of age. Components of the program include:

1. Expansion of educational programs at career and technical education centers and financial support of those programs;
2. Comprehensive scholarships for persons taking classes toward the attainment of an early childhood education credential or an associate or bachelor's degree that allow the persons to graduate without student debt as long as the persons agree to work for a year with an approved employer;
3. An increased number of apprenticeships; and
4. Salary supplements awarded to individuals who provide child care or who are early childhood educators. The amount of the supplement is based on the level of education and experience of the individual and other factors.

This bill also provides funding to carry out the program.

LD 1606, An Act To Increase Funding for Career and Technical Education Programs. (Sen. Dill, D-Penobscot) *Joint Standing Committee on Education and Cultural Affairs*. This bill provides an additional \$1,500,000 per year for the cost of career and technical education pursuant to the Maine Revised Statutes, Title 20-A, section 15688-A, subsection 1. This bill also removes the so-called hold harmless provision that limits the amount of any decrease or increase in the total allocation for a career and technical education center or career and technical education region, effective January 1, 2020.

LD 1607, An Act To Create the Department of Early Care and Learning. (Sen. Millett, D-Cumberland) *Joint Standing Committee on Education and Cultural Affairs*. This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create the Department of Early Care and Learning as a cabinet-level state agency within the executive branch of State Government. The department would assume primary responsibility for matters regarding children under 6 years of age in the State, including the care, health care and education of the children that are now the responsibility of the Department of Health and Human Services and the Department of

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Education. The major components of the bill are as follows.

1. Definitions. As used in this bill, unless the context otherwise indicates, the following terms have the following meanings.
 - A. "Board" means the Board of Early Care and Learning.
 - B. "Commissioner" means the Commissioner of Early Care and Learning.
 - C. "Department" means the Department of Early Care and Learning.
 - D. "Early care and education" means programs and services relating to high-quality care, health care and education of children under 6 years of age.
2. Department; commissioner. The department is created as a department of the executive branch of State Government and a separate budget unit that has the duties, responsibilities, functions, powers and authority accorded to state agencies under state law. The department is administered by a commissioner who is the chief administrative and executive officer of the department required by law to be appointed by the Governor and confirmed by the Senate and reports directly to the Governor. The commissioner is responsible for the performance and exercise of the duties, responsibilities, powers, functions and authority of the department. The commissioner has the power to distribute the functions and duties given to the commissioner among the various units of the department to integrate the work properly and to promote the most economical and efficient administration of the department. The powers and duties given to the commissioner or the department are assumed and carried out by the units that the commissioner designates and may in turn be delegated to subordinates by those unit directors with the approval of the commissioner.
3. Programs and services of department. The department is directed to provide children and families with programs and services to assist the children and families in meeting essential needs, including:
 - A. Head Start and child care services;
 - B. Maternal and child health services, including home visiting programs;
 - C. Prekindergarten programs and services;
 - D. Child care services licensing, subsidies and quality control management;
 - E. Preschool special education under Part B of the federal Individuals with Disabilities Education Act; and,
- F. Early intervention services for infants and toddlers under Part C of the federal Individuals with Disabilities Education Act.
4. Duties and responsibilities of department. The department has the following duties and responsibilities:
 - A. Administering programs and services necessary for the operation and management of voluntary prekindergarten;
 - B. Administering programs and services necessary for the operation and management of preschool and child development programs, including Head Start and child care regulation;
 - C. Acting as the agent of the Federal Government to ensure that state programs and services conform with federal requirements and to administer federal funds granted to the State to assist in the activities of the department;
 - D. Assisting local units of administration in the State to ensure the availability of the programs and services provided by the department;
 - E. Regulating early care and learning programs, including licensing and inspecting the programs to ensure adherence to state law and department rules;
 - F. Performing functions relating to improvement in the quality, availability and affordability of child care in the State;
 - G. Serving as the Head Start state collaboration office;
 - H. Administering the licensure and regulation of day care centers, group day care homes and family day care homes;
 - I. Providing consultation and making recommendations concerning the establishment and implementation of early care and learning services and programs;
 - J. Reporting and making recommendations to the Governor and the Legislature as required by law or as determined necessary by the commissioner;
 - K. Performing any other duties, responsibilities or functions agreed upon between the department and the Department of Health and Human Services; and,
 - L. Performing any other duties, responsibilities or functions agreed upon between the department and the Department of Education.
5. Powers of department. The department has the following powers:

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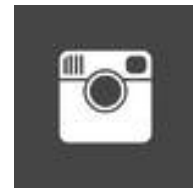
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- A. Adopting rules and procedures to carry out department duties and responsibilities;
 - B. Contracting for services;
 - C. Hiring or assigning employees and staff;
 - D. Applying for and accepting from any other agency of government, person, group or corporation any funds that may be available to carry out the duties and responsibilities of the department;
 - E. In an adjudicatory proceeding conducted by the department, issuing subpoenas to require the attendance and testimony of witnesses and the production of evidence or discovery relating to an issue of fact in the proceeding and designating employees of the department to issue such subpoenas;
 - F. Suing and being sued; and,
 - G. Performing any legal act relating to the care, health care or education of children under 6 years of age in the State.
6. Board of Early Care and Learning. The Board of Early Care and Learning is established within the department to assist the department and commissioner in carrying out the duties and responsibilities of the department.
- A. The board consists of 9 members, including:
 - (1) The Commissioner of Health and Human Services as an ex officio member;
 - (2) The Commissioner of Education as an ex officio member;
 - (3) The Chancellor of the University of Maine System as an ex officio member;
 - (4) A representative of the business community with a demonstrated commitment to education, appointed by the Governor;
 - (5) An early care and education teacher selected from a list of 3 nominees provided by the Maine Education Association, appointed by the Governor;
 - (6) A parent or legal guardian of a child under 6 years of age receiving early care and education services or services from a family child care provider, appointed by the Governor;
 - (7) A person representing a provider of early care and education services who has practical experience in the manage-

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Rows from top: Aura, Portland, ME; Engineering Education and Design Center, University of Maine, Orono, ME (with Ellenzweig); R. E. Crawford Headquarters, Sarasota, FL; MENG Joint Force Headquarters, Augusta, ME (with O'Brien Atkins)



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ment and administration of early care and education services, appointed by the Governor;

- (8) A person with expertise in the evaluation and assessment of successful preschool education programs, appointed by the Governor; and,
- (9) A pediatrician with a focus on child development or a person who is nationally recognized for research in the field of educational psychology, appointed by the Governor.

In making appointments, the Governor is directed to seek to appoint members who are from geographically diverse regions of the State, who are familiar with the differing interests, perspectives and needs of urban, rural and suburban regions and who reflect the ethnic and racial diversity of the children of the State. Each member chosen must have a demonstrated interest in and commitment to early care and learning.

In appointing members to initial terms, the Governor is directed to designate 3 members for 5-year terms and 3 members for 4-year terms. Subsequent appointments must be for 5-year terms. An appointed member may not serve more than 3 consecutive 5-year terms. A member serves until the member's successor is appointed.

The board elects a chair from the board's membership and other officers that the board considers necessary. A quorum consists of 5 members, and a quorum is necessary for the board to conduct business. The board is directed to adopt bylaws to govern the conduct of the board's activities. Appointed members of the board receive per diem and reimbursement of expenses in conformity with the rates and allowances determined for members of other state boards who receive per diem and reimbursement of expenses.

B. The purposes of the board include:

- (1) Consolidating and coordinating resources and public funding for early care and learning to ensure the sound and coordinated development of related programs and services;
- (2) Ensuring that parents of children under 6 years of age have a decisive role in the planning, operation and evaluation of programs and services that aid families in the care of children under 6 years of age;
- (3) Providing consumer education

and accessibility to early care and learning resources for all communities in the State;

- (4) Advancing the quality of early care and learning to support the healthy development of and preparation for success in school for children;
 - (5) Developing a seamless delivery system of early care and learning administered by federal, state and local agencies and providers through local points of entry;
 - (6) Developing and managing effective data collection to support necessary functions of and accurately evaluate a coordinated early child care and learning distribution system; and,
 - (7) Reviewing and making recommendations regarding the budget of the department.
- C. The duties and responsibilities of the board include:
- (1) Developing and overseeing the management of:
 - (a) The administration of a high-quality system of public and private early care and learning;
 - (b) Subject to available funding, the implementation of a program of voluntary and universally accepted high-quality early childhood education for all preschool-age children in the State;
 - (c) A kindergarten readiness assessment for preschool-age children and a comprehensive evaluation of early care and learning, including the establishment of baseline data to inform the design and implementation of a universally accessible, high-quality early care and learning program for all preschool-age children in the State; and,
 - (d) A workforce development system designed to support the education, training and compensation of the early care and learning workforce, including all family child care, infant, toddler, preschool and school-age children program and services centers and providers; and,
 - (2) Reporting biannually to the Governor, the Secretary of the Senate, the Clerk of the House of Representatives, the joint

standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over education matters on the board's and the department's activities, progress in achieving goals and implementing programs of the department and progress in the State regarding moving toward a system of universal early care and learning for preschool children 3 to 5 years of age.

7. Assistance and coordination. All other state departments, agencies, officers and employees are directed upon the request of the commissioner or board and to the extent permissible by law to make available department and agency services, resources, personnel and facilities to ensure the most effective coordination and use of state resources, personnel and facilities for the benefit of families and children under 6 years of age and to assist the department in carrying out the department's duties and responsibilities.
8. Transition. By October 1, 2020, the transition regarding the reassignment of the duties and responsibilities of the Department of Health and Human Services and Department of Education to the department takes effect in the following ways.
 - A. All references to, responsibilities of and authority conferred upon the Department of Health and Human Services and the Department of Education and the predecessors of those departments regarding the powers, duties, responsibilities, programs, services and functions assigned to the department are deemed to refer to and vest in the department. The department is the successor in every way to the powers, duties, responsibilities, programs, services and functions assigned to the Department of Health and Human Services and the Department of Education as the powers, duties, responsibilities, programs, services and functions pertain to the powers, duties, responsibilities, programs, services and functions assumed by the department.
 - B. All accrued expenditures, assets, liabilities, balances of appropriations, allocations, transfers, revenues or other available funds in an account or subdivision of an account of the Department of Health and Human Services or the Department

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Education...

(Continued from Page 37...)

of Education that pertain to the powers, duties, responsibilities, programs, services and functions assumed by the department are transferred in the transition to the proper accounts of the department by the State Controller or by financial order upon the request of the State Budget Officer and with the approval of the Governor.

- C. All rules of the Department of Health and Human Services and the Department of Education, as they pertain to the duties of the department, that are in effect on the effective date of the transition remain in effect until rescinded, revised or amended.
- D. All contracts, agreements and compacts of the Department of Health and Human Services and the Department of Education, as they pertain to the powers, duties, responsibilities, programs, services and functions of the department, that are in effect on the effective date of the transition remain in effect until the contracts, agreements and compacts expire or are altered by the parties involved in the contracts, agreements or compacts.
- E. All records of the Department of Health and Human Services and the Department of Education as they pertain to the powers, duties, responsibilities, programs, services and functions of the department are transferred to the department as necessary to implement the transition.
- F. All employees and positions of the Department of Health and Human Services and the Department of Education necessary to carry out the powers, duties, responsibilities, programs, services and functions of the department are transferred to the department.
- G. All office equipment, furniture and other property or assets of the Department of Health and Human Services and the Department of Education that are used or held exclusively or principally by personnel transferred under paragraph F are transferred to the department.
- H. All transfers of employees and assets from the Department of Health and Human Services and the Department of Education to the department are subject to the approval of the com-



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missioner, and a transfer of an employee or asset may not occur if the commissioner determines that the employee or asset should remain with the transferring department.

- I. Employees of the department who were employees of the Department of Health and Human Services or the Department of Education immediately prior to the effective date of the transition retain all employee rights, privileges and benefits, including sick leave, vacation and seniority, provided under the Civil Service Law or collective bargaining agreements. The Department of Administrative and Financial Services, Bureau of Human Resources is directed to assist the affected departments with the orderly implementation of the transition under this paragraph.
- J. The Department of Administrative and Financial Services, Bureau of the Budget is directed to work with the employees of the Department of Health and Human Services and the Department of Education with regard to the powers, duties, responsibilities, programs, services and functions transferred to the department to develop the budget for the department.

LD 1760, An Act To Support Children's Healthy Development and School Readiness. (Senate President Jackson, D-Aroostook) *Joint Standing Committee on Health and Human Services.* This bill creates the First 4 ME Early Care and Education Program under the Department of Health and Human Services to provide comprehensive, high-quality early child care and education services for at-risk children under 6 years of age who have not entered kindergarten and the children's parents by funding projects that integrate comprehensive resources and services with traditional center-based and family child care settings. The projects are sponsored by coalitions of stakeholders, providers and other community members within the communities that the projects serve. Each project is led and coordinated by a community contractor who staffs the project's operations and contracts with community providers to provide health care, education or parenting services, which may include services provided in a licensed child care center or by a licensed family child care provider, in a home visit or by an individual providing services to a family member within the individual's or family member's residence. The community contractor employs or contracts with community coaches who train and provide support to community providers.

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Education...

(Continued from Page 38...)

This bill also directs the department to request proposals for up to 10 pilot projects to implement the program and to report to the Legislature on the progress of the pilot projects toward the objectives, goals and intended outcomes of the projects in 2024.

ENVIRONMENTAL LEGISLATION

ENVIRONMENTAL ENACTED...

LD 36 (PL 192), *An Act To Change the Composition of the Board of Pesticides Control*. (Rep. Pluecker, I-Warren) *Joint Standing Committee on Agriculture, Conservation and Forestry*. This law requires that one of the 2 public members have practical experience and knowledge of methods of sustainable management of indoor and outdoor pests.

LD 112 (PL 291), *An Act To Implement Changes to Maine's Solid Waste Laws Pursuant to a Review of the State Waste Management and Recycling Plan*. (Rep. Tucker, D-Brunswick) *Joint Standing Committee on Environment and*

Natural Resources. The bill makes the following changes to the State's solid waste management laws:

1. Amends a definition in the State's solid waste management laws for the term "bypass;"
2. Specifies through legislative findings and statements of legislative intent that the purpose, management and operation of State-owned solid waste disposal facilities must be consistent with the solid waste management hierarchy under the Maine Revised Statutes, Title 38, section 2101;
3. Stipulates that the Department of Environmental Protection may authorize the land disposal of non-bypass, unprocessed municipal solid waste at State-owned solid waste disposal facilities only when a specific need for the disposal has been identified by the Department of Administrative and Financial Services, Bureau of General Services and the facility operator, the disposal is consistent with the solid waste management hierarchy and options for the management of the waste that represent a higher priority on the hierarchy are not otherwise reasonably available; and
4. Authorizes the Department of Environmental Protection to limit the volume of municipal solid waste disposed

- of at a State-owned solid waste disposal facility and the duration of such disposal through imposition of such limitations under the facility's license.
5. Requires that, beginning March 1, 2020 and annually thereafter, a recycling establishment engaged in the marketing, brokering or purchasing of recyclable materials generated in the State report to the department regarding its recycling of such materials;
6. Clarifies the existing recycling reporting requirement for municipalities and changes the reporting to biennial rather than annual; and
7. Changes the existing due date for the department's report on statewide generation of solid waste, recycling rates and available disposal capacity to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters from January 1, 2020 and biennially thereafter to January 1, 2021 and biennially thereafter.

LD 199 (PL 67), *An Act To Create the Water Resources Planning Committee*. (Rep. Sylvester, D-Portland) *Joint Standing Committee on Agriculture, Conservation and Forestry*. This bill establishes the Water Resources Planning Committee within the Department of Agriculture, Conservation and Forestry.

LD 274 (PL 55), *An Act To Allow the Sale of Ethanol-free Gasoline Statewide*. (Sen. Miramant, D-Knox) *Joint Standing Committee on Environment and Natural Resources*. Since June 1, 2015, retailers who sell gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox or Lincoln County have been required to sell only reformulated gasoline in those counties. This bill repeals that sales requirement effective November 1, 2020.

LD 281 (PL 27), *Resolve, Regarding Legislative Review of Portions of Chapter 692: Siting of Oil Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection*. (Rep. Tucker, D-Brunswick) *EMERGENCY Joint Standing Committee on Environment and Natural Resources*. This resolve provides for legislative review of portions of Chapter 692: Siting of Oil Storage Facilities, a major substantive rule of the Department of Environmental Protection.

LD 289 (PL 62), *An Act To Prohibit the Use of Certain Disposable Food Service Containers*. (Rep. Zeigler, D-Montville) *Joint Standing Committee on Environment and Natural Resources*. Beginning January 1, 2020, this bill prohibits the sale or distribution in the State of disposable food service containers composed in whole or in part of polystyrene foam. The bill requires the Department of Environmental Protection to adopt rules to implement these statutory provisions.

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Environmental...

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LD 562 (PL 40), *An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities*. (Rep. Blume, D-York) *Joint Standing Committee on Environment and Natural Resources*. This bill amends the laws relating to the State's regulation of the shoreland zone as follows:

1. It increases the maximum per day civil penalty for a specific violation of a municipal land use law or ordinance from \$2,500 to \$5,000 and increases the maximum per day civil penalty for a specific violation of a municipal shoreland zoning ordinance occurring within an area zoned for resource protection from \$5,000 to \$10,000; and,
2. It provides that a municipal shoreland zoning ordinance must require an applicant for a permit for development within the shoreland zone to provide to the municipal permitting authority preconstruction and postconstruction photographs of the shoreline vegetation and development site.

LD 563 (PL 153), *An Act To Help Municipalities Prepare for Sea Level Rise*. (Rep. Blume, D-York) *Joint Standing Committee on Environment and Natural Resources*. This bill amends the State's growth planning and land use laws to reflect that addressing the effects of sea level rise is a state planning and regulatory goal. The bill amends the laws regarding the State's coastal management policies to direct state, local and certain federal agencies responsible for regulating, planning, developing or managing coastal resources to conduct their activities affecting the coastal area consistent with the policy of encouraging the assessment of and planning for the effects of the rise in sea level.

LD 603 (PL 93), *An Act To Amend the Laws Governing Funding for Landfill Closure Costs*. (Sen. Dill, D-Penobscot) *Joint Standing Committee on Environment and Natural Resources*. This bill extends the eligibility period for closure costs for a landfill that currently applies only to a landfill licensed on or before September 1, 1989. The bill provides that if a license application for a landfill was accepted for processing on or before September 1, 1989 and the application was approved by the Commissioner of Environmental Protection within one year of accepting the application for processing, the landfill is eligible for payment of 75% of certain closure costs by the Department of Environmental Protection.

LD 710 (R 36), *Resolve, To Require the Department of Environmental Protection To Study the Establishment of a Product Stewardship Program for Mattresses*. (Rep.

Berry, D-Bowdoinham) *Joint Standing Committee on Environment and Natural Resources*. This resolve requires the Department of Environmental Protection to study the establishment of a new stewardship program in the State for mattresses and report the results of its study to the Joint Standing Committee on Environment and Natural Resources by December 4, 2019. The department is required to include recommended legislation to implement its recommendations related to the report, and the joint standing committee is authorized to report out a bill relating to the subject matter of the report to the Second Regular Session of the 129th Legislature.

LD 906 (PL 493), *An Act Concerning Pavement Sealing Products*. (Rep. Daughtry, D-Brunswick) *Joint Standing Committee on Energy, Utilities and Technology*. This bill prohibits the sale of coal tar sealant products beginning October 1, 2023 and prohibits the application of coal tar sealant products on driveways or parking areas beginning October 1, 2024. The Commissioner of Environmental Protection may grant an exemption from the prohibitions for research or development purposes.

LD 1017 (R 47), *An Act Regarding the Elimination of Highly Toxic and Hazardous Chemicals in the Workplace*. (Sen. Carson, D-Cumberland) *Joint Standing Committee on Labor and Housing*. This resolve requires the Department of Labor to develop a framework for identifying hazardous chemicals used in the workplace and identifying safer alternatives to those chemicals in collaboration with interested parties and employers and employees in industries that are likely to utilize hazardous chemicals. The amendment requires the department to submit a report to the Joint Standing Committee on Labor and Housing by December 20, 2019 that includes a proposed framework, summarizes the process used to develop the framework and includes a list of the participants who participated in the process. It authorizes the committee to report out a bill based on the report.

LD 1320 (PL 181), *An Act To Require the Department of Environmental Protection To Provide Natural Resources Protection Act Permits to Affected Municipalities*. (Rep. Faye, D-Raymond) *Joint Standing Committee on Environment and Natural Resources*. This bill requires that when the Department of Environmental Protection issues a permit under the Natural Resources Protection Act the department must provide a copy of the entire permit to each municipality in which the proposed activity is to occur.

LD 1433 (PL 277), *An Act To Protect the Environment and Public Health by Further Reducing Toxic Chemicals in Packaging*. (Rep. Fay, D-Raymond) *Joint Standing Committee on Environment and Natural Resources*. This bill amends the laws regarding the reduction of toxics in packaging to

prohibit the sale of food packaging to which phthalates have been intentionally introduced, effective January 1, 2022. It also authorizes the Department of Environmental Protection to by rule prohibit the sale of food packaging to which perfluoroalkyl and polyfluoroalkyl substances, or PFAS, have been intentionally introduced upon a determination by the department that a safer alternative to the intentionally introduced PFAS is available, except that such prohibition may not take effect until January 1, 2022 or 2 years following the department's determination that a safer alternative is available, whichever is later. The bill provides an exemption from these prohibitions for a manufacturer of a food or beverage product that has annual national sales of all food and beverage products produced by the manufacturer of less than one billion dollars.

LD 1467 (PL 151), *An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Cellular Telephone Recycling Law*. (Rep. Tucker, D-Brunswick) *Joint Standing Committee on Environment and Natural Resources*. This bill, which is reported out by the Joint Standing Committee on Environment and Natural Resources pursuant to Joint Order 2019, House Paper 883, implements the Department of Environmental Protection's recommendations regarding the State's cellular telephone recycling law as included in the department's annual report on the State's product stewardship programs. The bill amends the State's cellular telephone recycling law to remove the requirement that cellular telephone service providers submit annual reports to the department regarding the collection and disposal, reuse or recycling of used cellular telephones.

LD 1533 (PL 346), *An Act To Eliminate Single-use Plastic Carry-out Bags*. (Rep. Stover, D-Boothbay) *Joint Standing Committee on Environment and Natural Resources*. This bill prohibits a retail establishment from using single-use carry-out bags to bag products at the point of sale or otherwise make single-use carry-out bags available to customers, with exemptions for certain types and uses of plastic and paper bags. Retail establishments may provide recyclable paper bags to bag products at the point of sale for at least 5¢ per bag, with exceptions to the fee requirement for certain types of retail establishments. The prohibition is effective April 22, 2020.

ENVIRONMENTAL DEFEATED...

LD 61, *An Act To Improve the Maine Bottle Redemption Process*. (Rep. Fay, D-Raymond) *Joint Standing Committee on Environment and Natural Resources*.

LD 87, *An Act To Increase the Bottle Redemption Deposit*. (Rep. Beebe-Center, D-

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Environmental...

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Rockland) *Joint Standing Committee on Environment and Natural Resources.*

LD 93, *An Act To Amend the Laws Governing Bottle Redemption To Counterbalance for Redemption Centers the Increase in Minimum Wage.* (Rep. McCrea, D-Fort Fairfield) *Joint Standing Committee on Environment and Natural Resources.*

LD 197, *An Act To Convene a Working Group To Authorize a Public Trust for Maine's Groundwater and To Impose a 2-year Moratorium on Large-scale Groundwater Extraction.* (Rep. Sylvester, D-Portland) *Joint Standing Committee on Environment and Natural Resources.*

LD 413, *An Act To Ensure the Rights of Citizens to Groundwater in the State.* (Rep. Riseman, I-Harrison) *Joint Standing Committee on Environment and Natural Resources.*

LD 434, *An Act To Price Carbon Pollution in Maine.* (Rep. Rykerson, D-Kittery) *Joint Standing Committee on Energy, Utilities and Technology.*

LD 505, *An Act To Require the Use of Reusable Food Ware at Eating Establishments.* (Rep. Rykerson, D-Kittery) *Joint Standing Committee on Environment and Natural Resources.*

LD 568, *An Act To Change the Composition of the Maine Land Use Planning Commission.* (Rep. Dunphy, D-Old Town) *Joint Standing Committee on Agriculture, Conservation and Forestry.*

LD 590, *An Act To Promote Climate Resiliency Measures To Protect Beaches and Near-shore Infrastructure.* (Rep. Blume, D-York) *Joint Standing Committee on Environment and Natural Resources.*

LD 620, *An Act Regarding Licensing of Land-based Aquaculture Facilities.* (Rep. Dodge, D-Belfast) *Joint Standing Committee on Agriculture, Conservation and Forestry.*

LD 621, *An Act To Prohibit Extruded Polystyrene Food Service Containers.* (Rep. Carney, D-Cape Elizabeth) *Joint Standing Committee on Environment and Natural Resources.*

LD 785, *Resolve, Directing the Board of Pesticides Control To Educate the Public on the Proper Use of Pesticides and To Promote Integrated Pest Management.* (Sen. Black, R-Franklin) *Joint Standing Committee on Agriculture, Conservation and Forestry.*

LD 797, *An Act To Limit Greenhouse Gas Pollution and Effectively Use Maine's Natural Resources.* (Rep. Tucker, D-Brunswick) *Joint Standing Committee on Environment and Natural Resources.*

LD 818, *An Act To Reduce Greenhouse Gas Emissions.* (Sen. Sanborn, D-Cumberland)

EMERGENCY *Joint Standing Committee on Environment and Natural Resources.*

LD 822, *An Act To Prohibit the Sale of Motor Fuel Containing More than 10% Ethanol.* (Rep. O'Connor, R-Berwick) *Joint Standing Committee on Energy, Utilities and Technology.*

LD 893, *An Act To Create an Updated Unified Maine Climate Action Plan.* (Sen. Dill, D-Penobscot) *Joint Standing Committee on Energy, Utilities and Technology.*

LD 1040, *An Act To Waive the Variance Process for Harvesting Timber in a Shoreland Zone.* (Rep. Arata, R-New Gloucester) *Joint Standing Committee on Agriculture, Conservation and Forestry.*

LD 1284, *An Act To Create the Science and Policy Advisory Council on the Impact of Climate Change on Maine's Marine Species.* (Rep. Blume, D-York) *Joint Standing Committee on Environment and Natural Resources.*

LD 1358, *An Act To Further the Public Interest in All Maine Waters.* (Rep. Gramlich, D-Old Orchard Beach) *Joint Standing Committee on Energy, Utilities and Technology.*

ENVIRONMENTAL CARRIED OVER...

LD 16, *An Act To Authorize a General Fund Bond Issue To Invest in Infrastructure To Address Sea Level Rise.* (Rep. Brennan, D-Brennan) *Joint Standing Committee on Appropriations and Financial Affairs.* The funds provided by this bond issue, in the amount of \$50,000,000, will be used to improve waterfront and coastal infrastructure in municipalities to address sea level rise.

LD 102, *An Act To Improve the Manufacturing of Plastic Bottles and Bottle Caps.* (Rep. Doudera, D-Camden) *Joint Standing Committee on Environment and Natural Resources.* This bill prohibits, beginning January 1, 2020, a manufacturer from selling, offering for sale or distributing for sale in the State a single-use plastic beverage container unless the container is composed of at least 15% postconsumer recycled plastic. Beginning January 1, 2022, this threshold for the percentage of postconsumer recycled plastic in single-use plastic beverage containers increases to 20% and, beginning January 1, 2024, the threshold increases to 25%.

The bill also prohibits, beginning January 1, 2020, a manufacturer from selling, offering for sale or distributing for sale in the State a single-use plastic beverage container with a plastic beverage cap unless the cap is composed of the same plastic as the beverage container and the cap is tethered to the container in a manner that prevents the separation of the cap from the container when the cap is removed or the cap includes an opening from which the beverage can be consumed while the cap remains screwed onto or otherwise affixed to the container.

LD 327, *An Act To Revise Maine's Environmental Laws.* (Rep. Tucker, D-Brunswick) *Joint Standing Committee on Environment and Natural Resources.* This bill

is a concept draft pursuant to Joint Rule 208. This bill proposes to revise laws governing environmental protection.


LD 401, *An Act To Preserve State Landfill Capacity and Promote Recycling.* (Rep. Tipping, D-Orono) *Joint Standing Committee on Environment and Natural Resources.* This bill proposes to enact measures to ensure accurate tracking of the origin and type of waste materials disposed of in Maine, to discourage landfilling of recyclable materials, to preserve landfill capacity at state-owned facilities for Maine-generated materials, and to ensure the rights of host communities and abutters of waste disposal facilities. In order to achieve these goals, the bill proposes to:

1. Ensure there is accurate tracking and record keeping identifying the origin, amounts and types of materials disposed in waste facilities in the State;
2. Ensure waste is effectively tracked from generation point through processing to final disposal point, including the following types of facilities and disposal sites where tracking is required: landfills; landfill leachate discharge sites; incinerator ash and slag disposal sites; and biosolids disposal sites;
3. Ensure that waste materials imported from outside the State that are processed at facilities in the State are not classified as Maine-generated waste;
4. Ensure that waste materials that end up in a landfill, such as construction and demolition debris, which are used for daily cover in a landfill, are not counted toward the State's recycling goals;
5. Ensure adequate legal standing and strengthen protections for the health and well-being of people living in close proximity to waste disposal facilities;
6. Strengthen conflict-of-interest protections in awarding and management and oversight of state waste contracts to prevent price fixing and market manipulation; and
7. Direct the Department of Environmental Protection to amend rule Chapter 400, Maine Solid Waste Management Rules to:
 - A. Amend the definition of "bypass" to limit the waste that is considered bypass to solid waste that cannot be disposed of, processed or beneficially used at that facility because of malfunction, insufficient capacity, downtime or inability of the facility to process or burn;
 - B. Amend the definition of "recycle" and "recycling" to add a provision that any material left at a landfill is not considered recycled; and
 - C. Define "Maine-generated waste" as solid waste that is discarded for the first time within the physical con-

Continued on Page 43...

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Environmental...

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finances of the State.

LD 1224, *An Act To Authorize General Fund Bond Issues To Address Changes in Sea Level, Geospatial Data Acquisition by Communities and the Increase in Ocean Acidity*. (Rep. Devin, D-Newcastle) *Joint Standing Committee on Appropriations and Financial Affairs*. This bill authorizes the issuance of bonds.

1. Part A of this bill authorizes the issuance of bonds, in the amount of \$5,000,000, to be used to support improvements to sea level prediction models by providing more detailed mapping of coastal zones and monitoring sea level changes in order to mitigate the impact of and help prepare for rising sea levels.
2. Part B of this bill authorizes the issuance of bonds, in the amount of \$6,000,000, to be used to provide partnership funds and matching grants for geospatial data acquisition to communities that are creating or improving digital parcel maps to accurately identify existing boundaries and land use, identify potential community development areas and protect environmental resources.
3. Part C of this bill authorizes the issuance of bonds, in the amount of \$3,000,000, to be used to collect data, monitor waterways and perform tests related to the known increasing ocean acidity along the Maine coast and its impact on natural wildlife and commercially important species in Maine waters, such as lobsters and clams.

HEALTH CARE LEGISLATION

HEALTH CARE ENACTED...

LD 1 (PL 5), *An Act To Protect Health Care Coverage for Maine Families*. (Senate President Jackson, D-Aroostook) **EMERGENCY** *Joint Standing Committee on Health Coverage, Insurance and Financial Services*. The purpose of this law is to ensure that consumer protections related to health insurance coverage included in the federal Patient Protection and Affordable Care Act are codified in state law. In Part A, the amendment does the following.

1. It makes clear that carriers in the individual, small group and large group markets must meet guaranteed issue requirements similar to those required by federal law.
2. It makes clear that individual and group health plans may not impose any preexisting condition exclusion on an enrollee.

The amendment does permit a carrier to restrict enrollment in individual health plans to open enrollment and special enrollment periods established in rule.

3. It clarifies that carriers offering individual or group health plans may not establish lifetime or annual limits on the dollar value of benefits unless the plan is grandfathered under the federal Affordable Care Act as of January 1, 2019 and does not impose new limits or reduce existing limits. The amendment specifies that the provision prohibiting annual limits on the dollar value of benefits applies to the dollar value of essential health benefits.
 4. It allows children, until they attain 26 years of age, to remain on their parents' health insurance policy.
 5. It changes the maximum rate differential due to age that may be filed by the carrier to 3 to 1 and requires that rates that vary based on age do so according to a uniform age rating curve.
 6. It provides that if a carrier varies premium rates based on family membership, the premium rate must equal the sum of the premiums for each individual in the family.
 7. It prohibits a carrier from varying premium rates based on tobacco use for individuals who are enrolled in an evidence-based tobacco cessation program approved by the United States Department of Health and Human Services, Food and Drug Administration.
 8. It makes clear that the minimum medical loss ratio in the individual market is 80% without exception.
 9. It adds language to prohibit rescissions of coverage consistent with requirements under federal law.
 10. It makes changes to the timelines and requirements for determinations by a carrier of coverage for prescription drugs consistent with federal law.
 11. It requires carriers to provide information about the health plans offered by the carrier in a standardized manner that is substantially similar to the manner required for health plans subject to the federal Patient Protection and Affordable Care Act as of January 1, 2019.
 12. It removes a provision of the bill that would have repealed the authority for certain individuals to purchase coverage under an individual, nonrenewable short-term policy.
 13. It prohibits a health plan from reducing or terminating benefits for an ongoing course of treatment, including coverage of a prescription drug, during the course of an appeal of a determination of coverage.
- Part B requires that, at a minimum, individual and small group health plans cover essential health benefits that are substantially similar to those benefits required for health plans subject

to the federal Patient Protection and Affordable Care Act as of January 1, 2019. The amendment also requires that health plans meet annual limits on cost sharing that are substantially similar to those benefits required for health plans subject to the federal Patient Protection and Affordable Care Act as of January 1, 2019. The amendment removes provisions of the bill that authorized the Superintendent of Insurance to make changes to essential health benefits and cost sharing limits in rule. The amendment clarifies that pediatric dental benefits may not be required of all individual and small group plans if dental coverage is available in accordance with the federal Affordable Care Act as in effect as of January 1, 2019.

Part C adopts nondiscrimination provisions consistent with similar requirements in federal law and rule.

Part D makes changes to current requirements in state law related to mental health parity consistent with similar requirements in federal law and regulations.

LD 38 (PL 418), *An Act To Require Insurance Coverage for Hearing Aids for Adults*. (Rep. Handy, D-Lewiston) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*. A health insurance mandate, this law requires insurance plans to provide coverage for hearing aids at a minimum of \$3,000 per hearing aid to all individuals with documented hearing loss. The law clarifies the requirement that the purchase of a hearing aid in accordance with the bill's coverage must be done in accordance with federal and state laws, regulations and rules for the dispensing of hearing aids.

LD 1694 (R 72), *An Act To Amend the Mental Health Insurance Coverage Laws*. (Sen. Gratwick, D-Penobscot) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*. This resolve requires the Superintendent of Insurance to determine the compliance of health insurance carriers doing business in this State with federal and state mental health parity laws. The Superintendent of Insurance is required to either authorize a market conduct examination or use a survey tool to assess compliance and to report back to the Joint Standing Committee on Health Coverage, Insurance and Financial Services no later than January 30, 2020. The committee is authorized to report out legislation to the Second Regular Session of the 129th Legislature based on the results.

HEALTH CARE DEFEATED...

LD 52, *An Act To Provide an Affordable and Accessible Health Care System for all Residents of Maine*. (Sen. Gratwick, D-Penobscot) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*.

LD 1243, *An Act To Assist Small Businesses*

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Health Care... (Continued from Page 43...)

in *Providing Health Care for Their Employees*. (Rep. Morales, D-South Portland) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*.

LD 1264, *An Act Relating to Insurance Coverage for Screening Mammograms*. (Sen. Breen, D-Cumberland) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*.

LD 1281, *Resolve, To Create a Committee To Explore Regional Cooperation for Affordable Health Insurance*. (Rep. Tepler, D-Topsham) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*.

HEALTH CARE CARRIED OVER...

LD 51, *An Act To Implement the Recommendations of the Task Force on Health Care Coverage for All of Maine*. (Sen. Sanborn, D-Cumberland) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*. A concept draft, this bill proposes to implement the recommendations of the Task Force on Health Care Coverage for All of Maine.

LD 1085, *An Act To Ensure That Maine Residents Have Adequate and Affordable Access to Health Care*. (Sen. Sanborn, D-Cumberland) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*. A concept draft, this bill proposes to ensure that consumer protections in health insurance are maintained under state law.

LD 1611, *An Act To Support Universal Health Care*. (Rep. Brooks, D-Lewiston) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*. This bill establishes the Maine Health Plan to provide universal health care coverage to all residents of this State. The bill is modeled on proposed legislation considered in Minnesota.

LD 1617, *An Act To Create a Single-payer Health Care Program in Maine*. (Rep. Sylvester, D-Portland) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*. This bill establishes a single-payer health care program in the State that provides health care services for Maine residents. The bill directs the Department of Health and Human Services to consult with the Department of Labor and the Department of Professional and Financial Regulation, Bureau of Insurance to develop the program. The bill requires the State to implement the program in 3 phases, based on income, beginning in 2022 for those residents not eligible for the MaineCare program. The bill also creates the Single-payer Implementation Task Force to advise the departments and make rec-

ommendations to fully implement the single-payer health care program. The program may not be implemented in 2022 without prior legislative approval.

INSURANCE LEGISLATION

INSURANCE ENACTED...

LD 1009 (PL 295), *An Act To Provide Protections for Maine Patients Facing Step Therapy*. (Rep. Warren, D-Hallowell) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*. This bill requires health insurance carriers to establish a process for prescription drug step therapy exceptions.

LD 1314 (PL 208), *An Act To Extend Protections for Genetic Information*. (Rep. White, D-Waterville) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*. This law requires that an insurer obtain the informed written consent of an individual before requesting, requiring, purchasing or using any information from an entity providing direct-to-consumer genetic testing in connection with the issuance, withholding, extension or renewal of an insurance policy for life, credit life, disability, long-term care, accidental injury, specified disease, hospital indemnity or credit accident insurance or an annuity.

INSURANCE DEFEATED...

LD 109, *An Act To Create a Public Health Insurance Option*. (Rep. Berry, D-Bowdoinham) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*.

LD 132, *An Act To Eliminate Insurance Rating Based on Age, Geographic Location or Smoking History and To Reduce Rate Variability Due to Group Size*. (Rep. Brooks, D-Lewiston) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*.

LD 367, *An Act To Amend the Definition of "Insurer" under the Maine Guaranteed Access Reinsurance Association Act*. (Sen. Foley, R-York) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*.

LD 942, *An Act To Require Reimbursement for Medical Marijuana*. (Sen. Collings, D-Portland) *Joint Standing Committee on Health Coverage, Insurance and Financial Services*.

JUDICIARY LEGISLATION

JUDICIARY ENACTED...

LD 1701 (PL 464), *An Act To Clarify Various Provisions of the Maine Human Rights Act*. (Rep. Bailey, D-Saco, for the Maine Human Rights Commission) *Joint Standing Committee on Judiciary*. This law clarifies the Act's coverage of claims based on association and based on the perception that an individual belongs to a protected class; and provides a definition of "gender identity." The bill provides needed clarification related to several Maine Human Rights Act provisions highlighted by recent court decisions, including confirming that a leave of absence can be a reasonable accommodation for a disability in employment.

LD 1702 (PL 465), *An Act To Enhance the Administration of the Maine Human Rights Act*. (Rep. Bailey, D-Saco, for the Maine Human Rights Commission) *Joint Standing Committee on Judiciary*. This bill amends the Maine Human Rights Act so as to make more efficient the processing and investigation of complaints. The bill:

1. Replaces certain references to the enumerated potential bases for discrimination with references to "protected class characteristics, membership or status;"
2. Specifies that funds received by the commission for the purpose of implementing a 3rd-party neutral mediation program are not subject to any statewide cost allocation plan;
3. Designates as confidential certain information that is collected during the investigation of a complaint under the Act and exempts such information from the definition of "public record" for purposes of the Freedom of Access Act;
4. Authorizes the executive director of the commission to administratively dismiss a complaint brought under the Act for specified reasons;
5. Provides that any post-finding conciliation agreement that includes the commission as a signatory is a public record;
6. Prohibits the awarding of attorney's fees and costs to the commission and specifies that the commission is not liable to pay attorney's fees and costs of another party.

JUDICIARY DEFEATED...

LD 250, *An Act To Establish the Statute of Limitations in Product Liability Cases*. (Sen. Davis, R-Piscataquis, by request) *Joint Standing Committee on Judiciary*.

LD 1233, *An Act Regarding Offers of Settlement*. (Rep. Bailey, D-Saco) *Joint Standing Committee on Judiciary*.

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Judiciary...

(Continued from Page 44...)

JUDICIARY HELD BY GOVERNOR...

LD 1294, *Resolve, Directing the Maine Human Rights Commission To Implement a Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues*. (Rep. Talbot Ross, D-Portland) *Joint Standing Committee on Judiciary*. This resolve directs the Maine Human Rights Commission to create a 2-year pilot program to receive, review and investigate incidents and complaints of harassment due to a person's lack of employment or housing status and other reports of interference with a person's access to public accommodations. In carrying out the pilot program, the commission must investigate and respond to incidents and complaints of harassment as set out in the Maine Revised Statutes, Title 5, sections 4611 and 4612. The commission is authorized to use any of its powers under Title 5, section 4566 to carry out the pilot program and may limit its scope. The commission is authorized to establish an advisory board to document and evaluate complaints and to advise the commission as to which incidents and complaints should be acted on and possible solutions. The commission is directed to produce an interim report for submission to the Joint Standing Committee on Judiciary by September 15, 2020 and a final report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by September 15, 2021. The reports are authorized to contain recommendations on changes to the program or for its continuation as well as proposed legislation to carry out any recommendations.

LD 1703, *An Act To Improve Consistency within the Maine Human Rights Act*. (Rep. Bailey, D-Saco, for the Maine Human Rights Commission) *Joint Standing Committee on Judiciary*. The purpose of this bill is to address inconsistencies in the protections provided in different areas of jurisdiction under the Maine Human Rights Act. The bill provides more inclusive protection by:

1. Including adult family members dependent for care in the definition of "familial status;"
2. Including familial status as a protected class in employment;
3. Including age as a protected class in public accommodations;
4. Providing that public entities cannot discriminate on the basis of protected class; and,
5. Clarifying the scope of the Maine Human Rights Act application in education.

The bill also clarifies the protections provided to pregnant persons in employment and

that the sexual orientation provisions already in the Maine Human Rights Act extend to gender identity.

LABOR LEGISLATION

LABOR ENACTED...

LD 81 (PL 10), *An Act To Clarify Maine Law Regarding the Tips of Service Employees*. (Rep. Fecteau, D-Biddeford) *Joint Standing Committee on Labor and Housing*. This law clarifies that an employer may take an employee's tips as part of a valid tip pooling arrangement if the arrangement is only among service employees. It specifies that such a tip pooling arrangement may not violate federal law rather than requiring that it be consistent with federal law. The intent of this bill is to clarify the distinction between Maine law and any change to, or judicial interpretation of, the federal Fair Labor Standards Act and associated regulations that would allow an employer to take a service employee's tips for any reason other than for a valid tip pooling arrangement that is only among service employees.

LD 201 (PL 118), *An Act To Protect Jobs in the State by Requiring Advance Notice of Closure of Call Centers*. (Rep. Michelle Dunphy, D-Old Town) *Joint Standing Committee on Labor and Housing*. This law makes changes to the law governing the notification requirements for an employer that proposes to close or relocate an industrial or commercial facility that employs 100 or more people. It changes the notification period from 60 days prior to the closure or relocation to 90 days prior, changes the civil penalty from a maximum \$500 fine to a \$500 per day fine and it applies this civil penalty to both failure to notify the Department of Labor and failure to notify the employees and the municipal officers of the municipality where the facility is located.

LD 278 (PL 35), *An Act Regarding Pay Equality*. (Sen. Breen, D-Cumberland) *Joint Standing Committee on Labor and Housing*. This law prohibits an employer from inquiring about a prospective employee's compensation history until after an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee. It creates an exception for compensation history sought pursuant to any federal or state law that specifically requires the disclosure or verification of compensation history for employment purposes, for example, when such information is related to economic development programs that specifically create employment opportunities for persons with low incomes. An employer that violates this provision is subject to a fine of not less than \$100 and not more than \$500 per violation and is also subject to a civil action that

may be brought by or on behalf of an affected employee or applicant by the Department of Labor or the affected employee or applicant.

This law also amends the Maine Human Rights Act to provide that evidence of unlawful employment discrimination includes an employer's seeking information about a prospective employee's compensation history before an offer of employment, including all terms of compensation, to the applicant has been made. It also creates an exception for compensation history sought pursuant to any federal or state law that specifically requires the disclosure or verification of compensation history for employment purposes.

LD 305 (PL 47), *An Act To Protect Job Applicants from Identity Theft*. (Rep. Riley, D-Jay) *Joint Standing Committee on Labor and Housing*. This law prohibits the request of a social security number from a prospective employee by an employer on an employment application or during the application process. Under this law, an employer may still request a social security number from a prospective employee for purposes of a substance abuse test or preemployment background check, and an employer is not prohibited from asking for a social security number from an individual for any reason after the individual has been hired. The provisions of this law become effective January 1, 2020.

LD 317 (PL 184), *An Act To Amend the Laws Governing Appointees to the Maine Labor Relations Board*. (Rep. Handy, D-Lewiston) *Joint Standing Committee on Labor and Housing*. This law amends the qualifications for certain members and alternates appointed to the Maine Labor Relations Board by the Governor. It requires the member and alternates representing employees to not have worked in a management capacity or represented employer interests in any proceedings at any time during the prior 6 years. It also requires the member and alternates representing the public to not have worked in a management capacity or represented employer interests in any proceedings or have worked for a labor organization or served in a leadership role in a labor organization at any time during the prior 6 years. These new qualifications apply to new appointments or reappointments to the board.

LD 369 (PL 156), *An Act To Support Healthy Workplaces and Healthy Families by Providing Earned Paid Sick Leave to Certain Employees*. (Sen. Millett, D-Cumberland) *Joint Standing Committee on Labor and Housing*. This law does the following:

1. It requires an employer, except in a seasonal industry, that employs more than 10 employees for more than 120 days in any calendar year to permit each employee to earn paid leave based on the

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- employee's base pay;
- It specifies that an employee is entitled to earn one hour of paid leave from a single employer for every 40 hours worked, up to 40 hours in one year of employment, with accrual of leave beginning at the start of employment;
 - It requires an employee to work for 120 days before an employer is required to permit use of accrued earned paid leave;
 - It requires an employer to pay an employee taking earned leave at least the same base rate of pay that employee received immediately prior to taking earned leave and provide the same benefits as those provided under established policies of the employer pertaining to other types of paid leave;
 - It requires an employee, absent an emergency, illness or other sudden necessity for taking earned leave, to give reasonable notice to the employee's supervisor of the employee's intent to use leave;
 - It specifies that an employee taking earned leave maintains any employee benefits accrued before the date on which the leave commenced and the leave may not affect the employee's right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees;
 - It provides the Department of Labor, Bureau of Labor Standards the exclusive authority to enforce the law and requires the Department of Labor to adopt routine technical rules to implement and enforce the law;
 - It allows for the imposition of penalties currently established in the Maine Revised Statutes, Title 26, section 53;
 - It preempts the authority of a municipality or other political subdivision to enact any ordinance or other rule purporting to have the force of law under its home rule or other authority regulating earned paid leave;
 - It requires the Department of Labor to adopt routine technical rules to implement and enforce provisions regarding earned paid leave;
 - It specifies that earned paid leave does not apply to an employee covered by a collective bargaining agreement during the period between January 1, 2021 and the expiration of the collective bargaining agreement; and
 - It requires the Department of Labor, beginning January 1, 2022 and annually thereafter, to report progress to the joint standing committee of the Legislature having jurisdiction over labor matters.



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LD 666 (PL 490), An Act To Protect Pregnant Workers. (Rep. Carney, D-Cape Elizabeth) *Joint Standing Committee on Labor and Housing.* This law provides that it is unlawful employment discrimination for an employer to fail to provide a reasonable accommodation for an employee's pregnancy-related condition. The definition of "pregnancy-related condition" means to provide that the limitation on the pregnant employee's ability to perform the functions of a job due to pregnancy, childbirth or related medical conditions, including lactation, must be known.

The law revises the description of unlawful employment discrimination to apply to an employer's failure to provide a reasonable accommodation after it has been requested. An exception to the reasonable accommodation requirement is based on the employer's demonstration that the accommodation would impose an undue hardship on the operation of the business of the employer, unless provision of an accommodation would impose an undue hardship on the employer.

LD 733 (PL 513), An Act To Promote Keeping Workers in Maine. (Rep. Schneck, D-Bangor) *Joint Standing Committee on Labor and Housing.* This law prohibits an employer from requiring or entering into a so-called noncompete agreement with an employee earning wages that are at or below 400% of

the federal poverty level. It restricts the enforceability of noncompete agreements to the extent that they are reasonable and are no broader than necessary to protect a legitimate business interest of the employer, such as trade secrets, confidential information or goodwill. It also adds a presumption that a noncompete agreement is necessary if the legitimate business interest cannot be adequately protected through an alternative restrictive covenant. It also provides for ongoing appropriations to provide for enforcement of the provisions.

LD 757 (PL 135), An Act To Improve Labor Laws for Maine Workers. (Rep. Sylvester, D-Portland) *Joint Standing Committee on Labor and Housing.* Under this law, when employees in a collective bargaining unit file a request with their public employer to be represented by a certain organization as their collective bargaining agent, current law allows the public employer to request an election from the Maine Labor Relations Board in order to determine whether the organization indeed represents a majority of the members in the collective bargaining unit. Instead, this amendment would require an election only in such cases if, after examining the demonstration of majority support, the Maine Labor Relations Board finds majority support for the

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organization to be in question.

LD 1319 (PL 218), *An Act To Prohibit Employer Disciplinary Action against Firefighters and Emergency Medical Services Persons Responding to an Emergency*. (Rep. Grohoski, D-Ellsworth) *Joint Standing Committee on Labor and Housing*. Current law protects a firefighter from disciplinary action by an employer when the firefighter is absent from work at the beginning of the work day because the firefighter is responding to an emergency. This law extends the protection to a firefighter who leaves work during regular working hours to respond to an emergency and provides the same protections to an emergency medical services person. The bill revises provisions regarding employer notification regarding absences and employee status as a firefighter or emergency medical services person and allows the ability of an employer to designate an employee as essential, but requires the disruption to the business by the employee's absence to be significant and requires the designation to be in writing and signed by both the employee and employer.

LD 1324 (R 82), *Resolve, To Establish the*

Committee To Study the Feasibility of Creating Basic Income Security. (Sen. Vitelli, D-Sagadahoc) *Joint Standing Committee on Labor and Housing*. This resolve establishes the Committee To Study the Feasibility of Creating Basic Income Security to examine options to better provide basic economic security to Maine people, including through the development of a direct cash payment system **LD 1524 (PL 461)**, *An Act To Prevent Wage Theft and Promote Employer Accountability*. (President Jackson, D-Aroostook) *Joint Standing Committee on Labor and Housing*. This law creates additional remedies for wage theft, including injunctive relief and cease operations orders. These remedies are in addition to any existing penalties. Like the bill, it defines wage theft as a violation of specific statutes that include the requirements of timely and full payment of wages, payment of wages upon cessation of employment, payments defined as "unfair agreements" and fringe benefits, but adds violation of statutes related to minimum wage requirements to the definition.

It changes the terminology in the bill from "stop-work order" to "cease operations order" and provides more details on the process and requirements related to cease operations orders including thresholds for the issuance of a cease operations order, timing to be afforded to an employer being issued a

cease operations order and requirements for the Commissioner of Labor or the commissioner's designee to stay a cease operations order. It also requires the commissioner to adopt routine technical rules.

LABOR DEFEATED...

LD 69, *An Act To Provide Economic Security to Maine Families through the Creation of a Paid Family Medical Leave System*. (Sen. Herbig, D-Waldo) *Joint Standing Committee on Labor and Housing*.

LD 122, *An Act To Prohibit an Employer from Asking a Prospective Hire about the Person's Compensation History until after a Job Offer Is Made*. (Rep. Bryant, D-Windham) *Joint Standing Committee on Labor and Housing*.

LD 140, *An Act To Facilitate the Employment of Persons with Substance Use Disorder*. (Rep. Fecteau, D-Biddeford) *Joint Standing Committee on Labor and Housing*.

LD 220, *An Act To Improve Pay for Certain Maine Workers*. (Rep. Sylvester, D-Portland) *Joint Standing Committee on Labor and Housing*.

LD 480, *An Act To Ensure Pay Transparency and To Reduce Gender and Racial Wage Inequities*. (Sen. Miramant, D-Knox) *Joint Standing Committee on Labor and Housing*.

LD 567, *An Act To Create a Universal Basic Incom*. (Rep. Sylvester, D-Portland (by Request)) *Joint Standing Committee on Labor and Housing*.

LD 596, *An Act To Prevent the Closure of Maine Businesses*. (Sen. Jackson, D-Aroostook) *Joint Standing Committee on Labor and Housing*.

LD 819, *An Act To Enhance the Predetermination of Independent Contractors*. (Rep. Sylvester, D-Portland) *Joint Standing Committee on Labor and Housing*.

LD 883, *An Act To Establish the Opt-in Maine Paid Family Leave Insurance Program*. (Rep. Daughtry, D-Brunswick) *Joint Standing Committee on Labor and Housing*.

LD 1245, *An Act To Protect Victims of Domestic and Sexual Violence in Certain Provisions under the Maine Human Rights Act*. (Rep. Stover, D-Boothbay) *Joint Standing Committee on Judiciary*.

LD 1251, *An Act To Make Agricultural Workers and Other Workers Employees under the Wage and Hour Laws*. (Rep. Hartnett, D-Gardiner) *Joint Standing Committee on Labor and Housing*.

LD 1345, *An Act To Ensure a Fair Workweek*. (Rep. Melarangno, D-Auburn) *Joint Standing Committee on Labor and Housing*.

LABOR CARRIED OVER...

LD 402, *An Act To Restore Overtime Protections for Maine Workers*. (Rep. Tipping, D-Orono) *Joint Standing Committee*

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on Labor and Housing. This bill annually raises the minimum salary that an employee who works in an executive, administrative or professional capacity must earn in order for that employee to be exempt from the laws governing the minimum wage and overtime pay until it is \$55,224 on January 1, 2022. The bill provides for an annual adjustment, beginning January 1, 2023, based on the percentage annual increase in certain earnings as published by the United States Department of Labor, Bureau of Labor Statistics.

LD 507, An Act To Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee. (Rep. Doore, D-Augusta) *Joint Standing Committee on Labor and Housing.* This bill amends the definition of “overcompensation” by an employer to include compensation in the form of paid leave. It changes the maximum amount an employer can withhold from an employee’s pay to recover overcompensation from 10% to 5%. It prohibits an employer from recovering more than the amount of overcompensation paid to an employee in the 3 years preceding the discovery of the overcompensation. The bill also specifies that the section of law regarding overcompensation by employers that includes these provisions does not limit or affect an employee’s general civil remedies against an employer.

LD 857, An Act To Increase Accountability for Wage Violations. (Rep. Collings, D-Portland) *Joint Standing Committee on Labor and Housing.* This bill amends the law regarding employment practices by increasing the fine for a violation of certain state wage and benefits laws to \$500 for the first violation and \$2,500 for each subsequent violation and by providing a private right of action for a person aggrieved of such a violation. It amends the law regarding employees’ remedies to provide that in a judgment for an employee an additional amount of 3 times the unpaid wages must be awarded the employee. It also provides ongoing funds for 10 labor and safety inspector positions within the Department of Labor, Bureau of Labor Standards, wage and hour division beginning October 1, 2019.

LD 1051, An Act To Create the Maine Family First Employer Program. (Sen. Herbig, D-Waldo) *Joint Standing Committee on Labor and Housing.* This bill creates the Maine Family First Employer Program under the Department of Labor to award employers that create family-friendly workplaces by providing, for all full-time employees, advancement and leadership

opportunities; the same pay rates for similar work; stipends or assistance for child care; paid leave for the birth or adoption of a child and medical care for employees or family members of employees; flexible work accommodations for other family obligations; and health insurance and retirement plan options. The awards are presented by the Governor and come with a logo that a designated employer may use for promotional purposes.

LD 1410, An Act To Create Paid Family and Medical Leave Benefits. (Speaker Gideon, D-Freeport) *Joint Standing Committee on Labor and Housing.* This bill establishes a paid family and medical leave benefits program administered by the Department of Labor. The program provides up to 12 weeks of family leave and up to 20 weeks of medical leave to eligible covered individuals. No more than 20 weeks of family leave and medical leave in the aggregate may be taken in a 12-month period. An individual is eligible for leave under the program after working 26 weeks or more for any employer in the 12 months prior to submitting an application or if the individual is self-employed and has elected to be part of the program.

The maximum weekly benefit amount is capped at 100% of the state average weekly wage. The weekly benefit amount is 90% of the portion of the covered individual’s average weekly wage that is equal to or less than 50% of the state average weekly wage and 67% of the portion of the covered individual’s average weekly wage that is more than 50% of the state average weekly wage.

Covered individuals are required to file claims for benefits in accordance with rules adopted by the department and to provide certification that they qualify for family leave or medical leave.

This bill establishes the Family and Medical Leave Insurance Fund to support the program. The funds for administrative costs and payment of benefits will come from payroll contributions by employees.

The bill requires payroll contributions to begin January 1, 2021, and benefits will be paid out beginning January 1, 2022.

LD 1529, An Act Concerning Nondisclosure Agreements in Employment. (Rep. Harnett, D-Gardiner) *Joint Standing Committee on Labor and Housing.* This bill prohibits employers from requiring agreements that prevent an employee or prospective employee from disclosing or discussing discrimination, including harassment, occurring between employees or between an employer and an employee.

The bill prohibits settlement agreements, unless requested by the employee, prospective employee or former employee, from including a provision that prevents the disclosure of factual information relating to a claim of discrimination, including harassment. Agreements may not explicitly or implicitly limit an individual’s ability to provide testimony or evi-

dence, file claims or make reports to any federal or state agency that enforces employment or discrimination laws, including, but not limited to, the Maine Human Rights Commission and the Department of Labor.

An employee, prospective employee or former employee is not liable for damages for breaching a prohibited nondisclosure agreement or a settlement agreement.

LD 1639, An Act To Require Comprehensive Responsible Contracting Practices for Public Construction Projects. (President Jackson, D-Aroostook) *Joint Standing Committee on Labor and Housing.* Part A, for the purpose of ensuring that the work on public construction contracts is performed by responsible, qualified contractors that maintain the capacity, expertise, personnel and other qualifications and resources necessary to successfully perform public contracts in a timely, reliable and cost-effective manner, establishes responsible contractor requirements for publicly funded construction projects that receive state funds. The Part outlines a responsible contractor certification process to be administered by the Department of Administrative and Financial Services, Bureau of General Services.

Part A also clarifies that, for the purpose of the law requiring fair minimum rate of wages and benefits on public works contracts, “public works” includes any construction projects funded all or in part with state funds. Part A also amends the method of determining the prevailing wage and benefits rate paid in the construction industry to require the Department of Labor, Bureau of Labor Standards to ascertain the applicable wage and benefits rates established in collective bargaining agreements in private construction and includes in benefits wages paid to apprentices in apprenticeship programs registered with the department.

Part B requires the Executive Director of the Workers’ Compensation Board or the executive director’s designee to immediately issue a stop-work order to an employer who fails to procure workers’ compensation insurance coverage. It requires the executive director or the executive director’s designee to issue a stop-work order to an employer if the executive director or the executive director’s designee finds after a hearing that the employer knowingly misrepresented employees as independent contractors or provided false, incomplete or misleading information to an insurance company on the numbers of employees the employer has for the purpose of paying a lower payment.

Part C encourages the State to use project labor agreements for large-scale state-funded construction projects of \$10,000,000 or more. A project labor agreement is a prehire collective bargaining agreement with one or more labor unions that establishes the terms and

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conditions of employment for a specific construction project.

Part D requires an employer with a public works contract with the State of \$50,000 or more to provide to all employees who will be on the construction work site a safety training program that uses a curriculum approved by the United States Department of Labor, Occupational Safety and Health Administration and that is at least 10 hours in duration. Flaggers, security workers and certain other employees not considered to be on the work site are exempt from this requirement. A contractor that violates this safety training program requirement may be assessed a fine of up to \$2,500 and an additional fine of \$100 per employee for each day of noncompliance.

Part E provides that for public works construction contracts that involve funding from the Federal Government the prevailing wage requirements in state law apply unless the prevailing wage requirements that would otherwise apply under the federal Davis-Bacon Act would result in higher total wages under the contract. An exception is provided for funds received under the United States Housing Act of 1937 if the application of a state prevailing wage is expressly preempted by federal law.

LD 1693, An Act To Enhance Enforcement of Employment Laws. (President Jackson, D-Aroostook) *Joint Standing Committee on Labor and Housing.* This bill authorizes private persons, acting in the public interest, to enforce the laws governing employment practices and prohibiting unfair discrimination in the workplace. Under this bill:

1. Private persons or whistleblowers, acting as relators, may bring public enforcement actions of employment laws on behalf of the State;
2. Civic organizations may assist aggrieved persons in reporting violations of employment laws; and,
3. Persons who are injured by violations of employment laws are protected from retaliation.

MINIMUM WAGE LEGISLATION

MINIMUM WAGE DEFEATED...

LD 410, An Act To Eliminate the Subminimum Wage for Workers with Disabilities and Agricultural and Tipped Workers. (Rep. Brooks, D-Lewiston) *Joint Standing Committee on Labor and Housing.*

LD 425, An Act To Strengthen Small Businesses in Rural Maine by Changing the Minimum Wage. (Rep. White, R-Washburn) *Joint Standing Committee on Labor and Housing.*

LD 612, An Act To Promote Youth Employment. (Rep. Bradstreet, R-Vassalboro) *Joint Standing Committee on Labor and Housing.*

LD 670, An Act To Increase the Minimum Wage for Large Employers. (Rep. Collings, D-Portland) *Joint Standing Committee on Labor and Housing.*

LD 739, An Act To Help Small Businesses by Establishing an Alternate Minimum Wage. (Rep. Rudnicki, R-Fairfield) *Joint Standing Committee on Labor and Housing.*

LD 808, An Act To Create a Youth Wage. (Rep. Timberlake, R-Androscoggin) *Joint Standing Committee on Labor and Housing.*

LD 830, An Act To Balance Maine's Minimum Wage for Small and Large Employers. (Rep. Stetkis, R-Canaan) *Joint Standing Committee on Labor and Housing.*

LD 1098, An Act To Help Small Employers by Making the Minimum Wage Increase More Gradual in Nonurban Areas. (Sen. Keim, R-Oxford) *Joint Standing Committee on Labor and Housing.*

REFERENDUM PROCESS REFORM LEGISLATION

REFERENDUM PROCESS REFORM ENACTED...

LD 499 (PL 456), An Act To Prohibit Payment per Signature on Petitions for Direct Initiatives and People's Veto Referendums. (Sen. Guerin, R-Penobscot) *Joint Standing Committee on Veterans and Legal Affairs.* This law strengthens the integrity of the direct initiative and people's veto referendum process by requiring a petition circulator to submit an affidavit that includes the circulator's name, the address at which the circulator resides and the date the circulator signed the affidavit; that the circulator read the information provided by the Secretary of State and understands the laws governing the circulation of petitions in Maine; that the circulator was a resident of Maine and a registered voter in Maine at the time of circulating the petition; and that the circulator understands that the circulator can be prosecuted for violating the laws governing the circulation of petitions, including the requirement that a circulator truthfully executed the affidavit. The new law also requires petition organizations and others to indicate the method by which they are compensating any individuals hired to assist in circulating petitions.

LD 1209 (PL 152), An Act To Require Legislative Hearings on Citizen-initiated Legislation. (Rep. Bradstreet, R-Vassalboro)

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Joint Standing Committee on State and Local Government. This law requires a petition for the direct initiative of legislation, once it has been certified by the Secretary of State to be submitted to the Legislature for consideration by the Legislature to receive a public hearing before a joint standing committee of the Legislature or a special legislative committee established by the Legislative Council. The public hearing must be conducted in the same manner as other public hearings.

REFERENDUM PROCESS REFORM DEFEATED...

LD 58, RESOLUTION, Proposing an Amendment to the Constitution of Maine To Extend the Terms of Legislators to 4 Years. (Rep. Nadeau, D-Winslow) *Joint Standing Committee on State and Local Government.*

LD 252, Proposing an Amendment to the Constitution of Maine To Prohibit New or Increased Fees or Taxes by Means of Direct Initiatives of Legislation. (Sen. Timberlake, R-Androscoggin) *Joint Standing Committee on Veterans and Legal Affairs.*

LD 255, Resolution, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District. (Sen. Farrin, R-Somerset) *Joint Standing Committee*

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Referendum Process... (Continued from Page 49...)

on Veterans and Legal Affairs.

LD 294, *An Act To Require the Fiscal Impact Estimate of a Direct Initiative of Legislation To Be Included on the Ballot.* (Rep. Morris, R-Turner) *Joint Standing Committee on Veterans and Legal Affairs.*

LD 374, *RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each State Senatorial District.* (Rep. Stewart, R-Presque Isle) *Joint Standing Committee on Veterans and Legal Affairs.*

LD 1438, *An Act To Clarify the Intent of Referendum Questions for Voters.* (Rep. Corey, R-Windham) *Joint Standing Committee on Veterans and Legal Affairs.*

LD 1583, *An Act To Enact the Maine Citizens' Initiatives Clean Election Act.* (Rep. Corey, R-Windham) *Joint Standing Committee on Veterans and Legal Affairs.*

TAXATION LEGISLATION

TAXATION ENACTED...

LD 1028 (PL 530), *An Act to Prevent and Reduce Tobacco Use with Adequate Funding and by Raising the Tax on Tobacco Products.* (Rep. McCreight, D-Harpswell) *Joint Standing Committee on Taxation.* The bill as amended strikes the original language and instead increases the tax on tobacco products including electronic smoking devices and liquids use in electronic smoking devices, other than cigarettes to 43% of the wholesale price beginning on January 2, 2020.

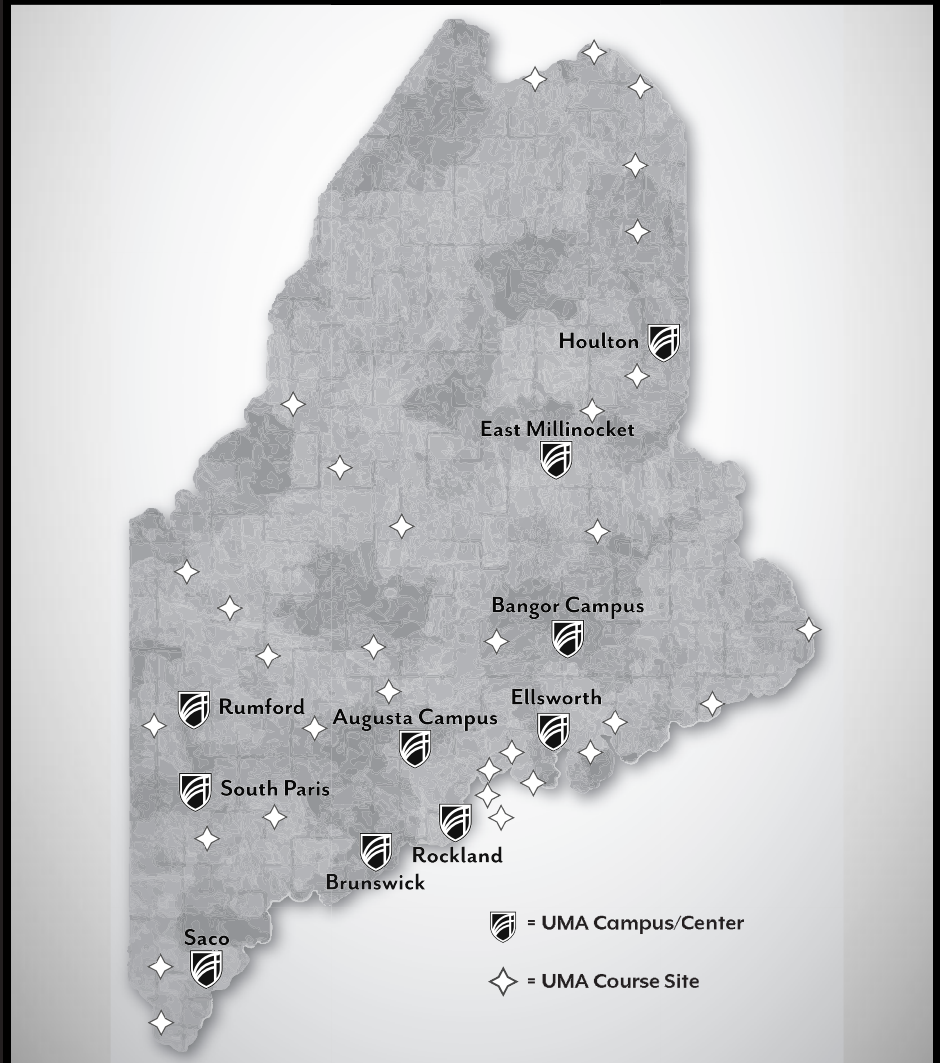
LD 1452 (PL 441), *An Act Regarding the Collection of the Sales and Use Tax by Marketplace Facilitators.* (Rep. Tipping, D-Orono) *Joint Standing Committee on Taxation.* This new law adds provisions and new definitions to require marketplace facilitators to collect and remit the sales tax on sales of tangible personal property taxable services facilitated on the marketplace facilitator's marketplace that are delivered into the State. Among other things, it consolidates the sales tax registration provisions, adds the remote seller registration requirements and adjusts the use tax calculation used on income tax returns to report unpaid use tax lowering the default amount from .08% to .04% of Maine adjusted gross income.

LD 1586 (PL 386), *An Act to promote Major Food Processing and Manufacturing Facility Expansion and to Create Jobs in Maine.* (Sen.

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Taxation...

(Continued from Page 50...)

Jackson, D-Aroostock) *Joint Standing Committee on Taxation*. The new law proposes a tax credit modeled after the major business headquarters expansion bill that was enacted last session. The law provides for a refundable tax credit to a food processing business under the following conditions: the applicant has to apply to DECD for approval; the business had to have been headquartered and organized as a business in the state for at least five years prior to the application; agrees to make a \$35 million investment within 5 years; adds 40 new employees the first years and 20 employees two years after that, maintaining a total of 60 full time employees for each year after the third year of qualifying for the credit; and pay 75% of its employees a salary that exceeds the income threshold for the county in which the facility is in. The credit will be also subject to review by OPEGA as are all tax expenditures are.

LD 1629 (PL 305), *An Act Regarding the Future Evaluation of the Pine Tree Zone Development Program*. (Rep. Mastraccio, D-Sanford) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce*. Current law provides that the Government Oversight Committee establish a schedule for the Office of Program Evaluation and Government Accountability to conduct reviews of tax expenditure programs based on priority and the grouping of programs with similar goals. This bill strikes a provision regarding the Pine Tree Development Zone program that establishes the specific date of January 15, 2021 by which the Office of Program Evaluation and Government Accountability must complete a review of the program.

LD 1671 (PL 527), *An Act to Amend the Laws Governing the Maine Capital Investment Credit to Ensure Fairness for Maine Businesses*. (Rep. Tipping, D-Orono) *Joint Standing Committee on Taxation*. The bill changes the Maine Capital Investment Credit to provide greater fairness in the treatment of Maine businesses compared to out of state companies. Currently, corporations are allowed a credit against taxes imposed in the amount of 9% of the amount of the net increase depreciation deduction as reported as an addition to income the taxable year. The bill as amended allows a taxpayer who claims a deduction under the Code Section 168K for property placed in service in the State during the taxable years on or after January 2, 2020 is allowed a credit of 1.2% of the amount of net increase in the depreciation deduction as reported as an addition to income.

LD 1744 (PL 233), *An Act to Update References to the United States Internal*

Revenue Code of 1986 contained in the Maine Revised Statutes. (Rep. Tipping, D-Orono) *Joint Standing Committee on Taxation*. The bill affects the states income tax laws and updates references to the United States Internal Revenue Code of 1986 as contained in Maine revised statutes, Title 36 to refer to the United States Internal Revenue Code of 1986, as amended through December 31, 2018 for tax years beginning on or after January 1, 2018 and any prior tax years specifically provided for by the United States Internal Revenue Code of 1986 as amended.

LD 1798 (PL 401), *An Act to Amend the Maine Tax Laws*. (Rep. Tipping, D-Orono) *Joint Standing Committee on Taxation*. The bill makes several changes to the tax laws. Among those changes it simplifies the appeals process for adjustments for municipal valuations; payment of delinquent taxes;

LD 1819 (PL 380), *An Act to Harmonize State Income Tax Law and the Centralized Partnership Audit Rules of the Federal Internal Revenue Code of 1986*. (Rep. Tipping, D-Orono) *Joint Standing Committee on Taxation*. The bill updates Maine law with recent changes to federal law with respect to partnership income tax audits where partnership would be liable for federal income tax penalties and interest that result from an audit.

TAXATION DEFEATED...

LD 65, *An Act to Allow Municipalities to Impose a Seasonal or Year Round Local Option Sales Tax*. (Rep. Beebe-Center, D-Rockland) *Joint Standing Committee on Taxation*.

LD 107, *An Act to Lower the Maine Individual Income Tax Incrementally to Zero*. (Rep. Hanley, R-Pittson) *Joint Standing Committee on Taxation*.

LD 146, *An Act to Make the Assessment and Collection of Personal Property Taxes Optional for Municipalities*. (Rep. Cebra, R-Naples) *Joint Standing Committee on Taxation*.

LD 156, *An Act to Allow Regional Service Center Municipalities to Assess an Additional One Percent Sales Tax for Infrastructure Costs*. (Sen. Miramant, Knox) *Joint Standing Committee on Taxation*.

LD 444, *An Act to Restore Revenue Sharing*. (Sen. Bellows, D-Kennebec) *Joint Standing Committee on Taxation*.

LD 725, *An Act to provide and Income Tax Credit to Encourage Small Business Hiring*. (Rep. Fay, D-Raymond) *Joint Standing Committee on Taxation*.

LD 958, *An Act to Amend Maine's Income Tax Laws*. (Rep. Tipping, D-Orono) *Joint Standing Committee on Taxation*. The bill is a concept draft that proposes to amend Maine's income tax laws.

LD 963, *An Act to Exempt Overtime Pay from the Individual Income Tax*. (Rep. Grignon, R-Athens) *Joint Standing Committee on Taxation*.

LD 1070, *An Act to Reduce the Number of*

Domestic Assaults and Suicides by Increasing the Tax on Alcohol. (Rep. Cardone, D-Bangor) *Joint Standing Committee on Taxation*.

LD 1074, *An Act to Establish a Tax on Water Extracted fro Bottling in Order to Secure the Economic Future of Rural Maine*. (Rep. Gramlich, D-Old Orchard) *Joint Standing Committee on Taxation*.

LD 1110, *An Act to Etsbalish a Loccal Option Sales Tax*. (Rep. Gramlich, D-Old Orchard Beach) *Joint Standing Committee on Taxation*.

LD 1292, *An Act to Lower Maine's Individual Income Tax*. (Rep. O'Connor, Berwick) *Joint Standing Committee on Taxation*.

LD 1423, *An Act to Require Corporate Transparency When Taxpayer Funding is Provided*. (Rep. Samson, D-Alfred) *Joint Standing Committee on Taxation*.

LD 1440, *An Act to Create Transparency in Tax Increment Financing and Credit Enhancement Agreement Proposals*. (Rep. Sylvester, D-Portland) *Joint Standing Committee on Taxation*.

TAXATION CARRIED OVER...

LD 70, *An Act to Support the Trades Through a Tax Credit for Apprenticeship*. (Sen. Herbig, D-Waldo) *Joint Standing Committee on Taxation*. The bill would provide an employer, who employs an apprentice, with a tax credit of up to \$2,500 or a partial tax credit depending on how long the apprentice is employed.

LD 71, *An Act to Reinstate the Income Tax Deduction for Contributions to College Savings Accounta*. (Sen. Guerin, R-Penobscot) *Joint Standing Committee on Taxation*. The bill would reinstate the income tax deduction for certain contributions to qualified tuition programs under Section 529 of the Internal Revenue Code up to \$250 per beneficiary.

LD 73, *An Act to Provide an Income Tax Credit for Certain Student Loan Repayments*. (Sen. Pouliot, R-Kennebec) *Joint Standing Committee on Taxation*. The bill would provide an income tax credit for certain student loans made by the Finance Authority of Maine or administered by the Finance Authority of Maine.

LD 335, *An Act to Require the State to Distribute 25% of Adult Use Marijuana Retail Sales and Excise Tax Revenue to Generating Municipalities*. (Rep. Warren, D-Hallowell) *Joint Standing Committee on Taxation*. The bill does what the title suggests. It would distribute 25% of adult use marijuana retail sales tax to municipalities where the revenue was generated.

LD 403, *An Act to Prevent Tax Haven Abuse*. (Rep. Ryan Tipping, D-Orono) *Joint Standing Committee on Taxation*. The bill would require that corporations that file unitary tax returns in Maine to include income from other certain jurisdictions outside the US in net income when apportioning among tax jurisdictions.

LD 420, *An Act to Amend the Maine*

Continued on Page 52...

Taxation...

(Continued from Page 51...)

Exclusion Amount in the Estate Tax. (Rep. Collings, D-Portland) *Joint Standing Committee on Taxation.* The bill would lower the exclusion amount for Maine estate tax from \$5,400,000 to \$2,000,000.

LD 607, An Act to Provide Equitable Taxation for the Food and Beverage Industry. (Sen. Guerin, R-Glenburn) *Joint Standing Committee on Taxation.* The bill would allow a deduction from Maine individual and corporate taxable income for the federal tax credit allowed to an employer for the employer's share of federal social security taxes paid on the portion of the employee's tips that cause the employee's wages to exceed \$5.15 per hour.

LD 609, An Act to Provide Municipalities Additional Sales Tax Revenue from Lodging Sales. (Rep. Terry, D-Gorham) *Joint Standing Committee on Taxation.* This bill provides an incremental sales tax of 1% for those sales currently subject to the 9% sales tax on lodging. The incremental revenue, after reduction for administrative costs, is returned to the municipality or unorganized territory to which the revenue is attributable. The amount received may not be used to reduce any other state aid or revenue sharing to municipalities or the unorganized territory.

LD 611, An Act to Provide Supplemental Appropriations and Allocations for the Operations of State Government. (Rep. Jorgensen, D-Portland) *Joint Standing Committee on Taxation.* The bill is a concept draft that proposes to provide supplemental appropriations and allocations necessary for the operations of state government for the fiscal year ending June 30, 2019.

LD 625, An Act to Phase out the Insurance Premium Tax on Annuities. (Rep. Stanley, D-Medway) *Joint Standing Committee on Taxation.* The bill would phase out the insurance premium tax on annuity considerations over 4 years beginning in 2020.

LD 731, An Act to Amend the Maine Tax Laws. (Rep. Tipping, D-Orono) *Joint Standing Committee on Taxation.* The bill would propose the amend Maine's Tax Laws.

LD 903, An Act to Improve Corporate Tax Fairness by Amending the Rates Imposed on Corporate Income. (Rep. Cuddy, D-Winterport) *Joint Standing Committee on Taxation.* The bill would increase corporate income tax rates in Maine. The bill would establish 2 new tax brackets and 3 new rates for tax years beginning on or after January 1, 2020. Under the bill income between \$2,000,000 and \$3,000,000 would be taxed at a rate of 8.5% and income between \$3,000,000 and \$3,500,000 would be taxed at a rate of 8.75%. Currently income that falls under these

categories are taxed at 8.33%. Also the bill would also increase the top tax rate for income over \$3,500,000 from 8.93% to 9%.

LD 977, An Act to Restore the Super Credit for Substantially Increased Research and Development. (Rep. Hepler, D-Woolwich) *Joint Standing Committee on Taxation.* The bill would reinstate the super credit for qualified research and development expenses that expired back in 2014, for tax years beginning on or after January 1, 2019.

LD 989, An Act to Improve Maine's Tax Laws. (Sen. Chipman, D-Cumberland) *Joint Standing Committee on Taxation.* The bill proposes to make changes to the tax laws to improve the application and efficacy of the tax laws.

LD 1164, An Act to Improve the Educational Opportunity Tax Credit. (Sen. Pouliot, R-Kennebec) *Joint Standing Committee on Taxation.* The bill would replace the existing educational opportunity tax credit with a new proposed simplified version applicable to tax years after January 1, 2020. The credit for employers is the lesser of the amount the employer paid on behalf of the qualified employee and 20% of the outstanding student loan debt. The credit for the employee would be the lesser of the amount paid on eligible student loans and 15% of the outstanding student loan debt on the date the first education loan is made after degree earned.

LD 1254, An Act to Authorize a Local option Sales Tax on Meals and Lodging and Provide Funding to Treat Opioid Disorder. (Rep. Sylvester, D-Portland) *Joint Standing Committee on Taxation.* The bill would allow a municipality by referendum to establish a local option tax of 1% on prepared food, and short term lodging.

TRANSPORTATION LEGISLATION

TRANSPORTATION DEFEATED...

LD 938, An Act To Provide for Sustainable Transportation in Maine. (Rep. McClean, D-Gorham) *Joint Standing Committee on Transportation.*

LD 1157, An Act To Fix Maine's Roads and Bridges by Establishing a Seasonal Gasoline Tax Adjustment. (Rep. McLean, D-Gorham) *Joint Standing Committee on Transportation.*

LD 1257, An Act To Prepare Maine for a Low-carbon Transportation Future. (Rep. Bryant, D-Windham) *Joint Standing Committee on Transportation.*

TRANSPORTATION CARRIED OVER...

LD 1034, An Act To Provide Revenue To Fix and Rebuild Maine's Transportation Infrastructure. (Rep. McClean, D-Gorham)

Joint Standing Committee on Transportation. This bill does the following for the purpose of increasing revenue to the Highway Fund and for other transportation purposes.

1. It increases certain fees charged by the Secretary of State for driver's license examinations, temporary license plates, nondriver identification cards, duplicate registrations, titles, driver's licenses, nondriver identification cards and transfers of registrations.
2. It increases the sales tax on the short-term rental of automobiles and certain pickup trucks and vans from 10% to 12%.
3. It requires 5% of the sales tax imposed on transportation-related items, such as motor vehicles and products for the repair and maintenance of motor vehicles, such as motor oil, batteries and tires, to be transferred to the Highway Fund on a monthly basis.
4. Beginning October 1, 2019, it increases the tax imposed on gasoline to 36.5¢ per gallon and the tax imposed on special fuel to 37.7¢ per gallon.

LD 1093, An Act To Authorize a General Fund Bond Issue To Invest in Maine's Railroad Infrastructure. (Sen. Claxton, D-Auburn) *Joint Standing Committee on Appropriations and Financial Affairs.* The funds provided by this bond issue, in the amount of \$50,000,000, will be used for investments in railroad infrastructure to expand passenger rail service, with a priority for railroad track corridors that could support passenger and freight intermodal operations and enhance the movement of agricultural products.

UNEMPLOYMENT INSURANCE LEGISLATION

UNEMPLOYMENT INSURANCE ENACTED...

LD 75 (PL 419), An Act To Protect Earned Pay. (Sen. Erin Herbig, D-Waldo) *Joint Standing Committee on Labor and Housing.* Under current law, a person who receives or is scheduled to receive remuneration in the form of vacation pay in excess of 4 weeks' wages or holiday pay is disqualified from receiving unemployment benefits for the week that remuneration is due. This law removes those disqualifications.

LD 1013 (PL 125), An Act To Clarify the Disqualification from Unemployment Benefits of a Person Who Is Terminated from Employment for Being Under the Influence of Marijuana. (Sen. Cyrway, R-Kennebec) *Joint Standing Committee on Labor and Housing.*

Continued on Page 53...

“Those who want to make changes [to workers’ compensation] miss the point that they can not achieve their goals without throwing the compromise off balance.”

--Maine Sunday Telegram, September 13, 1992

Let’s all work to maintain that delicate balance.



Unemployment Insurance... *(Continued from Page 52...)*

This law bill clarifies the provision of the bill that includes being under the influence of marijuana while on duty or when reporting to work, which is the same provision as using illegal drugs, and instead includes marijuana in the current disqualification from unemployment benefits for an individual whose employment is terminated because of intoxication while on duty or when reporting to work or engaging in unauthorized use of alcohol while on duty. There is an exemption for individuals who use medical marijuana as authorized under Maine law.

UNEMPLOYMENT INSURANCE DEFEATED...

LD 784, An Act To Amend the Laws Governing Eligibility for Unemployment Benefits. (Sen. Davis, R-Piscataquis) *Joint Standing Committee on Labor and Housing.*

UTILITIES AND ENERGY LEGISLATION

UTILITIES AND ENERGY ENACTED...

LD 31 (PL 2), An Act Regarding Rules Adopted by the ConnectME Authority. (Rep. Berry, D-Bowdoinham) *Joint Standing Committee on Energy, Utilities and Technology.* This bill changes the designation of rules adopted by the ConnectME Authority from major substantive to routine technical.

LD 68 (PL 26), An Act To Improve the Record Keeping of the Public Utilities Commission. (Sen. Carson, D-Cumberland) *Joint Standing Committee on Energy, Utilities and Technology.* This bill amends the law governing the record-keeping requirements of the Public Utilities Commission. Current law requires that the commission maintain a complete record of proceedings, investigations and formal public hearings. The bill adds the requirement to maintain a record of complaints for 10 years.

LD 91 (PL 16), An Act To Eliminate Gross Metering. (Rep. Berry, D-Bowdoinham) **EMERGENCY** *Joint Standing Committee on Energy, Utilities and Technology.* This bill clarifies the definition of “net energy billing.” It requires the Public Utilities Commission,

within 60 days of this legislation becoming effective, to amend its net energy billing rules adopted pursuant to the Maine Revised Statutes, Title 35-A, section 3209-A to be substantively equivalent to the rules in effect on January 1, 2017. It provides that all customers that entered into a net energy billing arrangement on or after March 29, 2017 are governed by the rules that are to be adopted pursuant to this legislation.

LD 196 (PL 19), Resolve, Regarding Legislative Review of Portions of Chapter 320: Electric Transmission and Distribution Utility Service Standards, a Major Substantive Rule of the Public Utilities Commission. (Rep. Berry, D-Bowdoinham) **EMERGENCY** *Joint Standing Committee on Energy, Utilities and Technology.* This resolve provides for legislative review of portions of Chapter 320: Electric Transmission and Distribution Utility Service Standards, a major substantive rule of the Public Utilities Commission.

LD 347 (PL 423), An Act To Provide Sustainable Funding for Drinking Water and Wastewater Infrastructure. (Rep. DeChant, D-Bath) *Joint Standing Committee on Energy, Utilities and Technology.* This bill proposes to provide ongoing funding for improvements to water and wastewater infrastructure statewide, including, but not limited to, funding to sup-

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Utilities and Energy... (Continued from Page 53...)

port the State Water and Wastewater Infrastructure Fund established in the Maine Revised Statutes, Title 30-A, section 6006-H. **LD 372 (PL 120)**, *An Act To Increase the Safety of Municipal Residents by Allowing Municipalities To Address Downed Wires in Extended Power Outages*. (Rep. McCreight, D-Harpswell) *Joint Standing Committee on Environment and Natural Resources*. This law establishes requirements for an investor-owned transmission and distribution utility to establish emergency response plans for recovery and restoration in response to an event where widespread outages have occurred due to weather events or other causes beyond the utility's control. It requires that the prioritization process under the plan follow the statewide comprehensive emergency management plan and include consideration of steps to ensure safety of electric facilities, road opening and service restoration. The amendment requires the plan to detail a coordinated approach that includes: priorities for emergency response and service restoration, staffing, communication and coordination with emergency management agencies, customer communications, resource deployment and safety.

The amendment requires each investor-owned transmission and distribution utility to file the plan with the Public Utilities Commission on a biannual basis and to provide a copy of the plan to the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency. The amendment allows the commission to designate portions of the emergency response plan as confidential through the issuance of a protective order.

The amendment also authorizes the commission to open an investigation to review the emergency response performance of an investor-owned transmission and distribution utility after an emergency event. If the commission, through investigation, finds that the utility failed to implement its emergency response plan in a prudent manner, the commission is required to take action to remedy the failure, which may include denying the recovery through rates of the costs of emergency response and service restoration.

Finally, the amendment requires the commission to include in its annual report to the Legislature information regarding its activities and the performance of investor-owned transmission and distribution utilities in relation to emergency response plans

LD 375 (PL 53), *An Act To Promote the Forest Products Industry in School Construction and Renovation Involving Heating Systems*. (Rep. Stewart, D-Presque

Isle) *Joint Standing Committee on Energy, Utilities and Technology*. This law clarifies consideration of modern wood heating systems, with wood biomass fuels sourced locally and in a manner that benefits the State's economy, in the construction of new or substantially renovated schools or school buildings subject to State Board of Education approval.

LD 383 (R 21), *Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority*. (Rep. Berry, D-Bowdoinham) *EMERGENCY Joint Standing Committee on Energy, Utilities and Technology*. This resolve provides for legislative review of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority.

LD 398 (PL 69), *An Act To Allow for Greater Flexibility in Addressing Energy Efficiency Needs in the State*. (Rep. Kessler, D-South Portland) *Joint Standing Committee on Energy, Utilities and Technology*. This law removes the provision that requires the Efficiency Maine Trust to allocate 50% of the funds in the Regional Greenhouse Gas Initiative Trust Fund for residential programs and 50% for commercial and industrial programs.

LD 581 (PL 81), *An Act To Direct Electric Utilities To Provide Comparative Usage Data on Customer Billing Statements*. (Rep. Riseman, I-Bridgton) *Joint Standing*

Committee on Energy, Utilities and Technology. This law requires investor owned transmission and distribution utility to provide on the utility's billing statement to a customer information concerning the previous 24 months of the customer's energy usage comparing same-month usage data between the first year of usage and the 2nd year of usage. The law also allows the PUC to waive these requirements.

LD 614 (PL 258), *An Act To Provide Purchase Rebates for Battery Electric Vehicles*. (Rep. Ingersen, D-Arundel) *Joint Standing Committee on Energy, Utilities and Technology*. This bill establishes an electric vehicle rebate program to be administered by the Efficiency Maine Trust.


LD 658 (R 30), *Resolve, To Direct a Plan for Energy Independence for Maine*. (Rep. Hubbell, D-Bar Harbor) *Joint Standing Committee on Energy, Utilities and Technology*. The resolve directs the Governor's Energy Office, in coordination with the development of the state energy plan or other planning initiatives, to conduct an analysis for at least one scenario for the State to become a net exporter of energy by 2030 through the development and expansion of energy generating capacity, energy conservation and energy efficiency at levels sufficient to offset the total value of the State's domestic

Continued on Page 55...

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Utilities and Energy... (Continued from Page 54...)

energy consumption across all sectors. The amendment requires the Governor's Energy Office to report to the Joint Standing Committee on Energy, Utilities and Technology by December 31, 2019 on progress regarding the state energy plan and the analysis for the State to become a net exporter of energy.

LD 807 (PL 71), *An Act Regarding the Duties of the Public Advocate*. (Sen. Miramant, D-Knox) *Joint Standing Committee on Energy, Utilities and Technology*. This law removes an exception to the Public Advocate's ability to petition to initiate, or intervene and appear in, any proceedings before the Public Utilities Commission, appeals from orders of the commission or proceedings before state and federal agencies and courts in which the subject matter of the action affects the customers of any utility or competitive service provider doing business in the State. The exception the bill removes is the prohibition against the Public Advocate's intervening in any proceedings in which commission staff is representing a position substantially similar to that of the Public Advocate.

LD 832 (PL 308), *An Act To Expand Options for Consumers of Cable Television in Purchasing Individual Channels and Programs*. (Rep. Evangelos, I-Friendship) *Joint Standing Committee on Energy, Utilities and Technology*. This law requires that cable television system operators offer subscribers the option of purchasing access to cable channels or programs on cable channels individually.

LD 834 (PL 104), *An Act To Establish Minimum Service Standards for Electric Utilities*. (Rep. Higgins, I-Dover-Foxcroft) *Joint Standing Committee on Energy, Utilities and Technology*. This law establishes service interruption standards and require transmission and distribution utilities that do not meet these standards to take corrective action. The bill directs the Public Utilities Commission to require, by rule, transmission and distribution utilities to keep records and report service interruptions to the commission.

LD 854 (PL 260), *An Act To Improve Tax Incentives for Broadband Service*. (Rep. Ackley, I-Monmouth) *Joint Standing Committee on Energy, Utilities and Technology*. This bill expands the allowable use of tax increment financing to include development, expansion or improvement of broadband services, including connecting to broadband service outside the tax increment financing district. The bill clarifies the circumstances in which the TIF project costs may include broadband and fiber optics expansion projects including the planning, preparation and engineering costs.

LD 855 (PL 517), *An Act To Strengthen the Maine Uniform Building and Energy Code*. (Rep. Caiazzo, D-Scarborough) *Joint Standing Committee on Energy, Utilities and Technology*. This law requires that the Commissioner of Public Safety appoint a technical codes coordinator, an office specialist and a building codes trainer.

LD 955 (PL 294), *An Act To Prohibit Offshore Oil and Natural Gas Drilling and Exploration*. (Rep. Devin, D-Newcastle) *Joint Standing Committee on Environment and Natural Resources*. This law prohibits a person from performing or causing to be performed any oil or natural gas exploration, development or production in, on or under the waters of the State or that may adversely affect the waters of the State.

LD 1003 (PL 88), *An Act To Ensure Accurate Explanations of Electric Bills*. (Rep. Berry, D-Bowdoinham) *Joint Standing Committee on Energy, Utilities and Technology*.

1. Require investor-owned transmission and distribution utilities to provide customers annually, as an insert or attachment to customer bills, an informational chart showing a 10-year history of transmission, distribution and standard-offer service rates available to the customer's rate class, along with a statement of the total percentage change in those rates over the 10-year period;
2. Require a customer bill issued by an investor-owned transmission and distribution utility to display clearly and prominently the toll-free telephone number for the commission's consumer assistance and safety division and a statement of the consumer assistance services available by calling the division; and
3. Establish a process for the commission, upon finding that an investor-owned transmission and distribution utility has distributed information to customers that is misleading, deceptive or inaccurate, to require the transmission and distribution utility to provide customers a statement that corrects the misleading, deceptive or inaccurate information.

The amendment also requires the commission to post informational charts showing a 10-year history of electricity rate components on the commission's website.

LD 1063 (PL 108), *An Act To Support the Role of Municipalities in Expanding Broadband Infrastructure*. (Rep. McCreight, D-Harpswell) *Joint Standing Committee on Energy, Utilities and Technology*. This law recognizes broadband Internet as a public necessity. It designates a community broadband system or part of that system as a revenue-producing municipal facility. It allows a municipality to construct, maintain and operate a municipal or multimunicipal system composed of infrastructure capable of being

utilized by communications service providers for the provision of communications services. The bill prohibits a municipality from providing retail communications services through community broadband systems to nonmunicipal entities. The bill exempts community broadband systems from taxation.

LD 1173 (PL 205), *An Act To Allow the Direct Sale of Electricity*. (Sen. Woodsome, R-York) *Joint Standing Committee on Energy, Utilities and Technology*. This law allows an entity that generates electricity to construct a transmission line for the purpose of interconnecting and distributing electricity to serve a commercial or industrial consumer without becoming subject to regulation by the Public Utilities Commission as a transmission and distribution utility or a competitive electricity provider when the commercial or industrial consumer is located on the property where the generator is located; on abutting property; or on a commercial or industrial site served by the generator or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018. The amendment requires the Public Utilities Commission to report every 3 years, beginning in 2022, on the incidence of direct sales of electricity by an entity that generates electricity to commercial or industrial consumers in the instances allowed under this amendment. Finally, the amendment clarifies that this legislation does not modify or nullify the framework and precedent for analyzing when an entity is a transmission and distribution utility or a competitive electricity provider established by the Public Utilities Commission in related cases.

LD 1181 (PL 298), *An Act To Reduce Electricity Costs through Nonwires Alternatives*. (Rep. Berry, D-Bowdoinham) *Joint Standing Committee on Energy, Utilities and Technology*. This law does the following:

1. It requires the Public Advocate to contract with a person or entity to serve as the nonwires alternative coordinator.
2. It provides that funding of the contracted services of the nonwires alternative coordinator is provided through a special assessment on investor-owned transmission and distribution utilities.
3. It adjusts the salary range of the Special Assistant to the Public Advocate from range 20 to range 25.
4. It amends the definition of "transmission project" to cover projects expected to cost in excess of \$5,000,000, rather than those in excess of \$20,000,000 as in current law.
5. It amends the provisions relating to transmission lines and transmission projects subject to investigation of nonwires alternatives in several ways. It limits the

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Utilities and Energy... (Continued from Page 55...)

requirement for a nonwires alternative investigation to apply to transmission lines and projects proposed by investor-owned transmission and distribution utilities, rather than transmission and distribution utilities in general. It also adds a category of small transmission and distribution projects subject to nonwires alternatives investigation.

6. It establishes cost-effectiveness as the analytical framework and standard for the investigation of nonwires alternatives for all types of projects and requires a benefit-cost analysis to evaluate cost-effectiveness. It requires the nonwires alternative coordinator to develop and make recommendations regarding the cost-effectiveness of nonwires alternatives and a proposed plan for procurement of nonwires alternatives.
7. It requires an investor-owned transmission and distribution utility to submit annually to the Office of the Public Advocate a planning study for small transmission and distribution projects.
8. It requires the nonwires alternative coordinator to provide recommendations to investor-owned transmission and distribution utilities for nonwires alternatives to small transmission projects and distribution projects and requires the coordinator and the utility to attempt to reach a good faith agreement on the adoption of nonwires alternatives. If no agreement is reached, the utility is required to petition the Public Utilities Commission to resolve the dispute.
9. It includes provisions regarding procurement of nonwires alternatives. These provisions require a transmission and distribution utility to contract with the Efficiency Maine Trust to deliver nonwires alternatives that are on the customer side of the meter and require the commission to determine the entity, which may be the utility or a 3rd party, to deliver nonwires alternatives that are on the grid side of the meter.
10. It provides that a transmission and distribution utility's prudently incurred costs to deliver nonwires alternatives are recoverable in rates.
11. It adds a provision to reference the activities of the nonwires alternative coordinator in the Efficiency Maine Trust Act regarding coordination with activities and programs of state agencies and authorities.
12. It makes changes to the law on smart grid infrastructure policy and establishes that it is in the public interest to establish a non-

wires alternative coordinator for the State **LD 1192 (PL 127)**, *An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way*. (Sen. Vitelli, D-Sagadahoc) *Joint Standing Committee on Energy, Utilities and Technology*. This law amends the utilities laws to provide access by municipalities to facilities located in the municipal right-of-way in the interest of public health, safety and welfare. The bill also establishes the preservation of space for municipal attachments to shared-use poles by exempting municipalities from expenses assessed by joint use entities when the attachment is made for any purpose.

LD 1248 (R 33), *Resolve, To Direct the ConnectME Authority To Report on the Progress of the Detailed 2019-2021 Strategic Plan for Broadband Service in Maine*. (Rep. Morales, D-South Portland) *Joint Standing Committee on Energy, Utilities and Technology*. This resolve directs the ConnectME Authority to report to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters in 2020, 2021 and 2022 outlining the progress of the authority in meeting the goals of its Detailed 2019-2021 Strategic Plan for Broadband Service in Maine.

LD 1282 (PL 347), *An Act To Establish a Green New Deal for Maine*. (Rep. Maxim, D-Nobleboro) *Joint Standing Committee on Energy, Utilities and Technology*. This law does the following.

1. Requires construction employers constructing grid scale generation facilities to hire certain percentages of apprentices to work on the construction beginning in 2021;
2. Requires that the Efficiency Maine Trust, in collaboration with the Department of Education, identify and provide incentives for cost-effective electric and natural gas conservation projects in new school construction projects; and
3. Requires the Efficiency Maine Trust to establish, through a competitive solicitation process, a power purchase agreement for solar capacity to be installed on school property when a new school is being constructed.

LD 1364 (PL 468), *An Act Regarding Net Neutrality and Internet Policy*. (Rep. Grohoski, D-Ellsworth) *Joint Standing Committee on Energy, Utilities and Technology*. This law prohibits a state agency or instrumentality from committing state funds in a manner that the agency or instrumentality knows would result in a direct payment to an Internet service provider unless the Internet service provider agrees in writing to conform to the requirements of the Federal Communications Commission order, FCC 15-24, adopted on February 26, 2015, known as the Open Internet Order.

LD 1401 (PL 57), *An Act To Study*

Transmission Solutions To Enable Renewable Energy Investment in the State. (Rep. Berry, D-Bowdoinham) *Joint Standing Committee on Energy, Utilities and Technology*. This law proposes to establish a study of transmission solutions to help enable more renewable energy investment in the State. The study would examine areas of clean energy potential; review possible funding mechanisms for advancing renewable energy initiatives, including bonding and public-private partnerships; and recommend measures to increase the pace of renewable energy investment in the State.

LD 1494 (PL 477), *An Act To Reform Maine's Renewable Portfolio Standard*. (Sen. Vitelli, D-Sagadahoc) *Joint Standing Committee on Energy, Utilities and Technology*. This bill increases the percentage of supply sources for retail electricity sales in the State that must be accounted for by new renewable capacity resources. It also makes several changes to resource eligibility to meet these requirements.

LD 1517 (PL 223), *An Act To Facilitate the Deployment of Small Wireless Facilities in Maine*. (Rep. Piecre, D-Falmouth) *Joint Standing Committee on Energy, Utilities and Technology*. This bill provides that a small wireless facility must be a permitted use within the public right-of-way, subject to any duly adopted, nondiscriminatory conditions otherwise applicable to permitted uses within the municipality and consistent with state and federal law, including, without limitation, any permitting requirements in the Maine Revised Statutes, Title 35-A, chapter 25.

LD 1560 (PL 353), *An Act Regarding Utility Reorganizations*. (Sen. Lawrence, D-York) **EMERGENCY** *Joint Standing Committee on Energy, Utilities and Technology*. This law provides that a transfer of ownership of a public utility may not be approved by the Public Utilities Commission unless it is established by the applicant for approval that the transfer provides net benefits to the public utility's ratepayers.

UTILITIES AND ENERGY DEFEATED...

LD 41, *An Act To Replace Net Energy Billing with a Market-based Mechanism*. (Rep. O'Connor, R-Berwick) *Joint Standing Committee on Energy, Utilities and Technology*.

LD 224, *An Act To Fund the Municipal Gigabit Broadband Network Access Fund*. (Rep. Higgins, I-Dover-Foxcroft) *Joint Standing Committee on Education and Cultural Affairs*.

LD 271, *An Act Regarding a Transmission and Distribution Utility's Use of the Right of Eminent Domain To Locate Its Transmission Lines*. (Sen. Miramant, D-Knox) *Joint Standing Committee on Energy, Utilities and*

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Technology.

LD 273, *An Act To Require Transmission and Distribution Utilities To Purchase Electricity from Renewable Resources at Certain Prices.* (Sen. Miramant, D-Knox) *Joint Standing Committee on Energy, Utilities and Technology.*

LD 334, *An Act To Change the Definition of "Renewable Capacity Resource".* (Rep. Babine, D-Scarborough) *Joint Standing Committee on Energy, Utilities and Technology.*

LD 604, *An Act To Create an Electric Vehicle Tax Credit.* (Sen. Chenette, D-York) *Joint Standing Committee on Taxation.*

LD 640, *Resolve, To Require a Study of Greenhouse Gas Emissions Reductions from the Proposed Central Maine Power Company Transmission Corridor.* (Sen. Carson, D-Cumberland) **EMERGENCY** *Joint Standing Committee on Energy, Utilities and Technology.*

LD 950, *An Act To Develop a State Energy Plan To Provide a Pathway to an Energy Portfolio Free of Fossil Fuels.* (Rep. Devin, D-Newcastle) *Joint Standing Committee on Energy, Utilities and Technology.*

LD 1027, *An Act To Eliminate the 100-megawatt Limit on Hydroelectric Generators under the Renewable Resources Laws.* (Rep. Hanley, R-Pittston) *Joint Standing Committee on Energy, Utilities and Technology.*

LD 1048, *An Act To Encourage Conservation in Determining Natural Gas Rates.* (Sen. Sanborn, D-Portland) *Joint Standing Committee on Energy, Utilities and Technology.*

LD 1060, *An Act To Authorize Consumers Located Adjacent to Electric Power Generators To Obtain Power Directly.* (Rep. Campbell, R-Orrington) *Joint Standing Committee on Energy, Utilities and Technology.*

LD 1123, *An Act Regarding Telecommunications Infrastructure Costs.* (Sen. Black, R-Franklin) *Joint Standing Committee on Taxation.*

LD 1139, *An Act To Eliminate Restrictions on Capacity and the Number of Accounts for Net Energy Billing.* (Rep. Higgins, I-Dover-Foxcroft) *Joint Standing Committee on Energy, Utilities and Technology.*

LD 1191, *An Act To Exempt Solar Energy Equipment from Property Tax.* (Sen. Lawrence, D-York) *Joint Standing Committee on Taxation.*

LD 1231, *An Act To Fund Energy Efficiency Programs through a Fee on the Sale of Unregulated Heating Fuels.* (Rep. Kessler, D-South Portland) *Joint Standing Committee on*

Innovation, Development, Economic Advancement and Commerce.

LD 1279, *An Act To Modernize Maine's Renewable Portfolio Standard.* (Sen. Lawrence, D-York) *Joint Standing Committee on Energy, Utilities and Technology.*

LD 1383, *An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding Transmission and Distribution Utilities.* (Rep. Grignon, R-Athens) *Joint Standing Committee on Energy, Utilities and Technology.*

LD 1463, *An Act To Support Electrification of Certain Technologies for the Benefit of Maine Consumers and Utility Systems and the Environment.* (Rep. Riley, D-Jay) *Joint Standing Committee on Energy, Utilities and Technology.*

LD 1465, *An Act To Diversify Maine's Energy Portfolio with Renewable Energy.* (Rep. Hubbell, D-Bar Harbor) *Joint Standing Committee on Energy, Utilities and Technology.*

LD 1542, *An Act To Allow a Municipality To Choose Its Power Provider.* (Rep. Denk, D-Kennebunk) *Joint Standing Committee on Energy, Utilities and Technology.*

LD 1558, *An Act To Change the Definition of "Gas Utility" in the Laws Governing Public Utilities.* (Sen. Lawrence) *Joint Standing Committee on Energy, Utilities and Technology.*

UTILITIES AND ENERGY CARRIED OVER...

LD 13, *An Act To Allow Microgrids That Are in the Public Interest.* (Rep. Devin, D-Newcastle) *Joint Standing Committee on Energy, Utilities and Technology.* This bill directs the Public Utilities Commission to approve a petition to construct and operate a new microgrid if the commission finds the proposal to be in the public interest and the new microgrid meets other specified requirements. It provides the commission with the ability to impose such terms, conditions or requirements as, in its judgment, it considers necessary in approving a new microgrid and also gives the commission oversight to ensure reliability and security of the electrical system and consumer protections for new microgrid consumers. It specifies that a new microgrid does not become a public utility as a result of its furnishing electrical service to participating consumers. It provides that a new microgrid that has been approved by the commission may construct, maintain or operate its lines in, upon, along, over, across or under the roads and streets. The bill directs the Public Utilities Commission to submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utility matters by January 15, 2021.

LD 173, *An Act To Promote Economic Development and Critical Communications for*

Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet. (Rep. McCrea, D-Fort Fairfield) *Joint Standing Committee on Energy, Utilities and Technology.* This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to increase funding to the ConnectME Authority from \$1,000,000 to \$5,000,000 to expand universal broadband and high-speed Internet into rural areas identified as the 6% of the State unserved by high-speed Internet. This bill proposes to make expanding high-speed Internet into unserved rural areas a key emphasis in the economic development of and to multiply the return to the State by directing the ConnectME Authority to use the increased funding to increase the rate of strategic broadband investment and leverage additional federal funding to provide middle-mile and last-mile infrastructure in the unserved areas and to correct broadband deficiencies identified in the ConnectME Authority's baseline update of 2013.

LD 354, *An Act To Authorize a General Fund Bond Issue To Encourage the Provision of Reliable High-speed Internet in Rural Underserved Areas of Maine.* (Sen. Herbig, D-Waldo) *Joint Standing Committee on Energy, Utilities and Technology.* The funds provided by this bond issue, in the amount of \$20,000,000, will be used for encouraging the provision of reliable high-speed Internet in rural underserved areas of Maine.

LD 564, *An Act To Encourage the Installation of Solar Panels on Residential Property.* (Rep. Blume, D-York) *Joint Standing Committee on Energy, Utilities and Technology.* This bill provides a property tax exemption for solar panels and associated equipment installed on residential property that qualifies for a homestead exemption.

LD 790, *An Act To Eliminate the Cap on the Number of Accounts or Meters Designated for Net Energy Billing.* (Sen. Miramant, D-Knox) *Joint Standing Committee on Energy, Utilities and Technology.* This bill prohibits the Public Utilities Commission from adopting or amending net energy billing rules pursuant to the Maine Revised Statutes, Title 35-A, section 3209-A to impose any limit on the number of accounts or meters that customers may designate for net energy billing or any limit on the number of customers that may share an interest in a generation facility for which the energy output is credited as part of any net energy billing.

LD 912, *An Act To Establish the Wood Energy Investment Program.* (President Jackson, D-Aroostook) *Joint Standing Committee on Energy, Utilities and Technology.* This bill establishes the wood energy investment fund and creates the Wood Energy Investment Program within the Efficiency Maine Trust. The bill specifies

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that, if the Public Utilities Commission finds that an entity awarded a contract for biomass resources pursuant to Public Law 2015, chapter 483 is not meeting contract requirements and therefore is not qualified to receive the full contract payment or any contract payment, those funds that would have been paid had contract requirements been met must be transferred to the wood energy investment fund. It also specifies that any funds remaining in the cost recovery fund established in Public Law 2015, chapter 483, section 1, subsection 5 that are not needed to pay above-market costs for biomass resources must also be transferred by the Public Utilities Commission to the wood energy investment fund. It requires the trust to use funds from the fund, if there are any, to provide incentives and low-interest or no-interest loans for new wood-derived thermal energy or cogeneration projects. It requires that the trust consult with the Finance Authority of Maine, when appropriate, in the development of any Wood Energy Investment Program incentives and the distribution of money from the wood energy investment fund. It prohibits the use of funds for incentives or loans for the refurbishment or maintenance of existing facilities.

LD 1080, *Resolve, Regarding Biofuel in Number 2 Heating Oil.* (Rep. Riley, D-Jay) **EMERGENCY Joint Standing Committee on Energy, Utilities and Technology.** This resolve directs the Executive Department, Governor's Energy Office to oversee a study of and report to the Joint Standing Committee on Environment and Natural Resources on the feasibility of setting a requirement for the percentage of biofuel to be used in #2 heating oil. **LD 1127, *An Act To Expand Community-based Solar Energy in Maine.*** (Sen. Sanborn, D-Cumberland) **Joint Standing Committee on Energy, Utilities and Technology.** This bill requires the Public Utilities Commission to direct investor-owned transmission and distribution utilities to enter into long-term contracts with community-based solar photovoltaic energy generating facilities. The total amount of resources procured through these long-term contracts may not exceed 100 megawatts, and 20% of resources procured must come from generators with a capacity of less than 2 megawatts. The bill requires the commission to establish provisions to protect the interests of utility customers over the term of the contracts.

The bill sets forth eligibility requirements for community-based solar resources to enter into long-term contracts. To be eligible, a resource must have a capacity of no more than 10 megawatts, have an in-service date

between June 30, 2020 and December 31, 2021 and meet local ownership requirements. In addition, to be eligible, the owners of the resource must:

1. Demonstrate to the Public Utilities Commission completion of an interconnection agreement application with the local transmission and distribution utility;
2. Include a plan to obtain all required federal, state and local permits and approvals;
3. Demonstrate financial capability to operate the resource over the term of the contract;
4. Include a letter or resolution of support from the local community in which the resource is located; and
5. Outline expected economic benefits from the long-term contract to the local community in which the resource is located.

The bill establishes a minimum contract length of 20 years and requires the contract rate to be less than 9 cents per kilowatt-hour and fixed for a period of at least 20 years. Contracts may be for energy or capacity. The contracts may also include renewable energy credits, or the owners of the resource may retain the renewable energy credits associated with the resource, as determined by the owners. Finally, the bill specifies that available energy contracted for under the provisions of this bill must be sold into the wholesale electricity market in conjunction with solicitations for standard-offer supply bids.

LD 1163, *An Act Regarding Energy, Utilities and Technology.* (Sen. Lawrence, D-York) **Joint Standing Committee on Energy, Utilities and Technology.** This bill proposes to amend the laws regarding energy, utilities and technology.

WORKERS' COMPENSATION LEGISLATION

WORKERS' COMPENSATION ENACTED...

LD 756 (PL 344), *An Act To Improve the Maine Workers' Compensation Act of 1992.* (Rep. Sylvester, D-Portland) **Joint Standing Committee on Labor and Housing.** This law does the following:

It amends the definition of "average weekly wages, earnings or salary" to clarify that, for an injury occurring on or after January 1, 2020, any fringe or other benefit paid by the employer that does not continue during the disability must be included to the extent that the inclusion of the fringe or other benefit will not result in a weekly benefit amount that is greater than 2/3 of 125% of the state average weekly wage at the time of the injury.

It requires that the Workers'

Compensation Board must vote with the support of 5 of the 7 members of the board to contract for the services of or to employ administrative law judges beginning January 1, 2020, except for the reappointment of administrative law judges appointed prior to January 1, 2020.

It allows an exception to the requirement that the first payment must be made by an employer within 14 days after notice of the injury or death if the payment cannot be made due to a factual mistake, an act of God or unavoidable circumstances.

It increases the maximum benefit level to 125% of the state average weekly wage for an injury occurring on or after January 1, 2020. It requires a cost-of-living adjustment to be applied in cases of total incapacity after 260 weeks of benefits. It extends the cap of benefits for partial incapacity from 520 weeks to 624 weeks. It eliminates the provision relating to the extension of benefits for partial incapacity if the whole person impairment resulting from the injury is in excess of 18% for an injury occurring after January 1, 2020.

It clarifies how payments for paid time off are coordinated with workers' compensation benefits. It provides that, if a deceased employee has no dependents, the employer must pay benefits to the parents of the deceased employee for a period of 500 weeks. It extends the notice of injury requirement from 30 days to 60 days. It caps the maximum percentage of attorney's fees that may be awarded at 10% in a lump-sum settlement in cases in which the injury occurred on or after January 1, 2020.

It authorizes the Workers' Compensation Board to consider adopting a rule to establish time frames for the filing of any petition related to a controversy with the board if a full agreement is not reached by the parties after conclusion of any mediation pursuant to the Maine Revised Statutes, Title 39-A, section 313.

It requires the Workers' Compensation Board to study the advocate program established pursuant to the Maine Revised Statutes, Title 39-A, section 153-A, including the salary paid to advocates, and make recommendations for any changes to improve the advocate program and its representation of injured workers to the Joint Standing Committee on Labor and Housing no later than January 1, 2020.

It directs the Workers' Compensation Board to convene a working group of stakeholders to evaluate issues related to work search and vocational rehabilitation requirements for injured workers and protections for injured workers whose employers have wrongfully not secured workers' compensation payments. On behalf of the working group, the Workers' Compensation Board is required to

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Workers' Comp... **(Continued from Page 58...)**

report to the Joint Standing Committee on Labor and Housing by January 30, 2020 with recommendations and any draft implementing legislation to address these issues.

WORKERS' COMPENSATION DEFEATED...

LD 312, *An Act To Reduce the Cost of Workers' Compensation Insurance for Small Employers.* (Rep. Handy, D-Lewiston) Joint Standing Committee on Labor and Housing.

LD 580, *An Act To Improve the Advocate Program Established by the Workers' Compensation Board.* (Rep. Sylvester, D-Portland) Joint Standing Committee on Labor and Housing.

LD 600, *An Act To Achieve Mental Health Parity in Workers' Compensation.* (Sen. Bellows, D-Kennebec) Joint Standing Committee on Labor and Housing.

LD 601, *An Act To Create Fairness by Reinstating the Cost-of-living Adjustment for Workers' Compensation Benefits.* (Sen. Bellows, D-Kennebec) Joint Standing Committee on Labor and Housing.

LD 758, *An Act To Clarify Work Search*

Requirements for Workers' Compensation. (Rep. Sylvester, D-Portland) Joint Standing Committee on Labor and Housing.

LD 809, *An Act To Expand and Clarify the Disqualification from Workers' Compensation Benefits of an Employee Who Is Injured While Under the Influence of Drugs or Alcohol.* (Sen. Cyrway, R-Kennebec) Joint Standing Committee on Labor and Housing.

LD 901, *An Act To Clarify the Statute of Limitations under the Maine Workers' Compensation Act of 1992.* (Rep. Sylvester, D-Portland) Joint Standing Committee on Labor and Housing.

LD 947, *An Act To Extend the Notice of Injury Period in the Maine Workers' Compensation Act of 1992.* (Sen. Bellows, D-Kennebec) Joint Standing Committee on Labor and Housing.

LD 1095, *An Act Regarding Workers' Compensation Liens.* (Sen. Bellows, D-Kennebec) Joint Standing Committee on Labor and Housing.

LD 1203, *An Act To Clarify the Retirement Presumption under the Maine Workers' Compensation Act of 1992.* (Rep. Sylvester, D-Portland) Joint Standing Committee on Labor and Housing.

LD 1204, *An Act To Eliminate the Cap on Weekly Benefits in Workers' Compensation Cases.* (Rep. Sylvester, D-Portland) Joint

Standing Committee on Labor and Housing.
LD 1205, *An Act To Allow Full Retirement Benefits under the Maine Workers' Compensation Act of 1992.* (Rep. Sylvester, D-Portland) Joint Standing Committee on Labor and Housing.

LD 1253, *An Act To Fairly Compensate for Fatal Accidents under the Maine Workers' Compensation Act of 1992.* (Rep. Sylvester, D-Portland) Joint Standing Committee on Labor and Housing.

LD 1500, *An Act To Improve Workers' Compensation Protection for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance.* (President Jackson, D-Aroostook) Joint Standing Committee on Labor and Housing.

LD 1501, *An Act To Change the Law Governing Occupational Disease Claims under the Maine Workers' Compensation Act of 1992.* (President Jackson, D-Aroostook) Joint Standing Committee on Labor and Housing.

LD 1623, *An Act To Improve Employee Representation under the Maine Workers' Compensation Act of 1992 by Amending the Laws Governing Attorney's Fees.* (President Jackson, D-Aroostook) Joint Standing Committee on Labor and Housing.

LD 1624, *An Act To Prevent Discrimination under the Maine Workers' Compensation Act of 1992.* (President Jackson, D-Aroostook) Joint Standing Committee on Labor and Housing.

LD 1625, *An Act To Eliminate the Durational Cap on Partial Benefits under the Workers' Compensation Laws.* (President Jackson, D-Aroostook) Joint Standing Committee on Labor and Housing.

WORKFORCE DEVELOPMENT LEGISLATION

WORKFORCE DEVELOPMENT ENACTED...

LD 139 (PL 66), *An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers.* (Rep. Fecteau, D-Biddeford) Joint Standing Committee on Labor and Housing. This law makes a number of changes to the Competitive Skills Scholarship Program administered by the Department of Labor, including the following.

1. It amends the current law governing the employment of minors 16 and 17 years of age in an otherwise hazardous occupation for which the minor has been trained or certified from a vocational, career and technical or cooperative education pro-

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Workforce Development...

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gram approved by the Department of Education to require that the minor must have graduated from high school. The new law provides that a high school equivalency diploma or its equivalent is sufficient to meet this requirement.

2. The law repeals the current January 1, 2020 repeal provision on the eligibility for the Competitive Skills Scholarship Program of a full-time student at a public secondary school enrolled in a career and technical education program at a career and technical education center or a career and technical education region.
3. It amends the eligibility criteria of the Competitive Skills Scholarship Program to modify the requirement that an individual be at least 18 years old by also including an individual who has graduated from high school.

LD 1240 (PL 261), *An Act To Provide Career and Technical Training Options for Electricians*. (Rep. Handy, D-Lewiston) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce*. This law amends the current law requirements for licensure as a journeyman electrician to credit graduates of a secondary school career and technical electrical education program approved pursuant to the Maine Revised Statutes, Title 20-A, section 8306-B with 1,000 hours of work experience in electrical installations and makes it clear that such graduates are eligible to sit for the journeyman examination.

LD 1247 (R 67), *Resolve, To Change the Work Requirement Rules under the Temporary Assistance for Needy Families Program*. (Rep. Madigan, D-Waterville) *Joint Standing Committee on Health and Human Services*. This law requires the Department of Health and Human Services to amend its rules to establish a process for a participant in the Temporary Assistance for Needy Families or Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families program who fails to comply with a program requirement with an opportunity to claim good cause and receive a determination from the department in response to that claim.

LD 1685 (PL 447), *An Act To Facilitate Entry of Immigrants into the Workforce*. (Rep. Cloutier, D-Lewiston) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce*. This law establishes and provides funding for the Foreign Credentialing and Skills Recognition

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Workforce Development... (Continued from Page 60...)

Revolving Loan Program to be administered by the Finance Authority of Maine. Under the program, FAME may provide interest-free loans to foreign-educated or foreign-trained, experienced immigrants who need assistance while awaiting federal employment authorization to pay the costs of certain actions and activities that will improve their work-readiness once they receive their work permits.

LD 1772 (PL 484), *An Act To Secure Transitions to Economic Prosperity for Maine Families and Children*. (Rep. Stewart, R-Presque Isle) *Joint Standing Committee on Health and Human Services*. This law:

1. Increases the income amounts that are disregarded when calculating benefits from the Temporary Assistance for Needy Families program, or TANF program, for recipients who have earnings from employment. It also replaces for a limited period food assistance lost as a result of increased earnings from employment and the increased income amounts that are disregarded;
2. Increases the transitional food benefits available under the TANF program from \$50 per month per family to \$100 per month per family;
3. Establishes a whole family economic security initiative as part of the TANF program to increase the economic security of the entire family; and
4. Requires the Department of Health and Human Services to count the participation of a participant in the ASPIRE-TANF program in basic skills education, which includes programs to assist individuals in obtaining a high school equivalency diploma, toward the first 20 hours of the participant's weekly work participation requirements.

LD 1774 (PL 398), *An Act To Reduce Child Poverty by Leveraging Investments so Families Can Thrive*. (Speaker of the House Gideon, D-Freeport) *Joint Standing Committee on Health and Human Services*. This law makes the following changes, which are intended to reduce child poverty, increase food security and create stronger bridges to employment for families with children.

1. It requires the Department of Health and Human Services to collect data to measure access to and the performance of certain programs administered by the Department of Health and Human Services and establish improvement targets on an annual basis to monitor year-to-year improvements related to program accessibility and participant well-being.

2. It reallocates the provisions relating to transitional Medicaid from the Maine Revised Statutes, Title 22, chapter 1053-B, which pertains to temporary assistance for needy families, to Title 22, chapter 855, which pertains to aid to needy persons, to reflect that the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105 no longer just applies to families losing eligibility for Medicaid as a result of losing eligibility for the Temporary Assistance for Needy Families program but instead applies to all parents who lose eligibility for Medicaid.
3. It removes the requirement that a family must have received Medicaid assistance for at least 3 of the last 6 months in order for that family to receive transitional Medicaid.
4. It requires that the Department of Health and Human Services provide transitional Medicaid for a 12-month extension period pursuant to the state option provided in 42 United States Code, Section 1396r-6, Subsection (a), Paragraph (5) when a person's eligibility was terminated because of an increase in earned income or hours of employment or a loss of a time-limited earnings disregard.
5. It eliminates the TANF gross income test for applicants to conform the eligibility methodology for both applicants and recipients.
6. It establishes a procedure by which the Department of Health and Human Services must consider referrals made in accordance with department rule from educational institutions and similar programs as applications for the Parents as Scholars Program under the Maine Revised Statutes, Title 22, section 3790.
7. It provides funds from the TANF block grant to provide personalized professional guidance, support and navigation services for participants in the Parents as Scholars Program in order to promote program completion and student success and requires the Commissioner of Health and Human Services to convene a working group to make recommendations related to the most effective way to achieve this goal, along with other suggestions to improve the program.
8. It requires the Commissioner of Health and Human Services to convene a working group to review and make recommendations to improve the operations of systems and programs administered by the Department of Health and Human Services providing services to people in need.
9. It provides that additional costs to the State resulting from implementation of

this legislation must be paid from funds provided to the Department of Health and Human Services under the Temporary Assistance for Needy Families block grant or from resources representing the State's maintenance of effort to qualify for federal funds.

WORKFORCE DEVELOPMENT DEFEATED...

LD 769, *Resolve, To Direct the Commissioner of Professional and Financial Regulation To Create a Working Group To Study Credentialing Skilled Individuals with Foreign Credentials*. (Rep. Tepler, D-Topsham) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce*.

LD 864, *An Act To Make Whole Family Support Available Statewide*. (Rep. Stewart, R-Presque Isle) *Joint Standing Committee on Health and Human Services*.

LD 890, *An Act To Expand Workforce Access by Creating Apprenticeship Programs To Increase Access to Licensure in Certain Occupations*. (Sen. Kiem, R-Oxford) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce*.

LD 895, *An Act To Promote Economic Development through Research and Development*. (Sen. Lawrence, D-York) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce*.

LD 1420, *Resolve, To Establish a Task Force To Study the Current Status and Future Sustainability of Aquaculture in the State*. (Rep. McCreight, D-Harpswell) *EMERGENCY Joint Standing Committee on Marine Resources*.

LD 1530, *An Act To Expand Incentives To Live and Work in Maine through a Tax Credit for Certain Student Loans*. (Rep. Babbidge, D-Kennebunk) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce*.

LD 1833, *An Act Establishing a Review Process for Measures with a Potential Economic Impact and Directing the Department of Economic and Community Development To Develop a Strategic Economic Plan*. (Rep. Daughtry, D-Brunswick) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce*.

WORKFORCE DEVELOPMENT HELD BY GOVERNOR...

LD 1342, *An Act To Establish the Maine Workforce, Research, Development and Student Achievement Institute*. (Rep. Daughtry, D-Brunswick) *Joint Standing*

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Workforce Development... (Continued from Page 61...)

Committee on Innovation, Development, Economic Advancement and Commerce. This law replicates the Maine Education Policy Research Institute to create a separate policy institute within the University of Maine System to provide the Joint Standing Committee on Innovation, Development, Economic Advancement and Business objective data, policy research, and evaluation related to economic, community, and workforce development as well as student debt. A steering committee would suggest research projects but the legislative committee would ultimately set the work plan and schedule briefings overviewing the findings to inform their deliberations of relevant legislation. The proposal was enthusiastically supported by a variety of interested parties including the Maine Department of Economic and Community Development, the Maine State Chamber, and both the Maine Community College System and the Maine Independent Colleges Association. The appropriation for the work was removed due to limited resources.

WORKFORCE DEVELOPMENT CARRIED OVER...

LD 1258, *An Act To Increase Access to Transportation for Workforce and Other Essential Transportation Needs.* (Rep. Sheats, D-Auburn) *Joint Standing Committee on Transportation.* This bill requires the quinquennial locally coordinated plan for regional transit submitted by each regional public transportation agency to focus on meeting workforce needs. This bill also provides funding to the Department of Transportation to support and expand local volunteer driver networks; to create a pilot purchase of service program in a selected region of the State to provide senior citizens and persons with disabilities vouchers to purchase their own transportation services; and for regional transportation providers throughout the State, split evenly between rural and urban areas, to expand their services, including addressing regional workforce needs.

LD 1520, *An Act To Create and Sustain Jobs through Development of Cooperatives and Employee-owned Businesses.* (Sen. Libby, D-Androscoggin) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.* This bill supports employee-owned businesses and cooperatives in the following ways.

1. It excludes from Maine income tax the amount of gain, up to a maximum of \$750,000 recognized by a business owner in transferring the business to an employee stock ownership plan, eligible worker-

owned cooperative, consumer cooperative or affordable housing cooperative.

2. It excludes from Maine income tax interest from loans that finance transfers of ownership from a business to an employee stock ownership plan, eligible worker-owned cooperative, consumer cooperative or affordable housing cooperative.

3. It requires the Department of Economic and Community Development, Office of Business Development to encourage and assist employee-owned businesses by requiring the office to: develop educational programs, including convening an annual conference on employee ownership issues; provide information about employee ownership and technical assistance to retiring business owners, employees of plants threatened with closure and entrepreneurs interested in creating businesses with broadly shared ownership; link Maine businesses interested in implementing employee ownership to available financial, technical and legal resources; and help businesses interested in implementing some form of employee ownership to obtain financing, as well as undertake other duties.

4. It requires the Commissioner of Economic and Community Development to give priority to employee-owned businesses, either established or in the process of becoming employee-owned, when providing loans or grants from funds or programs maintained by the department.

5. It requires the Maine Public Employees Retirement System to conduct a study to determine how funds held by the system may be invested responsibly in employee-owned businesses in this State and to report its findings to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business, which is authorized to report out a bill to the Second Regular Session of the 129th Legislature based on the study and recommendations of the system.

LD 1521, *An Act To Expand Skill Development Opportunities for Maine Youth.*

(Sen. Keim, R-Oxford) *Joint Standing Committee on Education and Cultural Affairs.*

This bill directs the Department of Education, in consultation with the Department of Labor, to develop an internship program for students who are 23 years of age or younger. The internship program developed by the department would authorize participants to receive compensation options, in combination with a variable hourly wage that is equal to or greater than the federal minimum wage, that may include academic credits, credentials of value and stackable credentials. The Department of Education is directed to submit a report outlining the internship program developed,

Membership Matters!

As you read this *Final Summary*, the value of the Maine State Chamber's Advocacy team should become very clear to you. The sheer number and complexity of legislation impacting Maine businesses in this session was staggering, and the potential to do harm to our business environment was very strong.

Our Advocacy team was at the Statehouse every day this session to monitor and influence legislation to guard against policies that are harmful to our business environment or to ensure a favorable outcome for Maine business.

As a member organization, *YOU* are at the heart of our efforts. Through your membership dues, you provide the financial resources necessary to maintain the state's largest business advocacy presence at the state capitol. And the positions we take on issues are informed by and formulated with your participation.

The Maine State Chamber appreciates YOU as a member!

It goes without saying that there is strength in numbers and the higher the number, the louder and stronger "The Voice of Maine Business" is. If you are aware of someone or some organization that would benefit from a membership with the Maine State Chamber of Commerce, please put them in contact with Mark Ellis at (207) 623-4568 or at mellis@mainechamber.org. □

together with any necessary implementing legislation, to the Joint Standing Committee on Education and Cultural Affairs by December 4, 2019. In addition, to facilitate participation in the Maine Apprenticeship Program established under the Maine Revised Statutes, Title 26, section 3202, this bill directs the Department of Labor to calculate the amount of funding and the number of positions it would require in order to establish an apprenticeship coordinator at each career and technical education center in the State and report this information to the Joint Standing Committee on Education and Cultural Affairs by December 4, 2019. □

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**A SPECIAL NOTE
OF THANKS**

Thank you to the countless
LEGISLATORS and
ADMINISTRATORS, and
GOVERNOR JANET MILLS,
for their willingness
to discuss the tough issues
in search of equitable solutions;
for **PARTNERSHIPS** with other
associations as we build
collaboration; and, for **MEMBERS**
who are willing to lend their voices
to our grassroots efforts.

**The Maine State Chamber
is looking out for your
best interests every day,**

*whether monitoring legislation at the Statehouse,
testifying on your behalf before key committees, or
meeting with the Governor and other key leaders.*

The Voice of Maine Business